

HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

Present:
THE HON'BLE JUSTICE JAY SENGUPTA

WPA 27081 of 2024

Sonali Jana Bera
Vs.
The State of West Bengal & Ors.

For the Petitioner : Mr. Subhrangsu Panda,
Ms. Ina Bhattacharyya,
Ms. Mithu Singha Mohapatra,
Ms. Haritri Roy,
Mr. Ratul Ghosal.

For the State : Mr. Swapan Kr. Datt Id.AGP.,
Mr. Dipankar Das Gupta.

Heard on : 05.12.2024

Judgment on : 05.12.2024

JAY SENGUPTA, J:

1. This is an application praying a direction upon the respondent authorities to sanction family pension in favour of the petitioner in terms of Notification dated 25.01.2024 that had extended such benefit to the widow daughter as well by amending the definition of the family of the West Bengal Non-Governmental College (DCRB Scheme) 1971.

2. Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the widow daughter of a former employee at the Contai Pravat Kumar College, Purba Medinipur. He passed away on 26.03.2020 leaving behind the petitioner and other three married daughters, a son and their mother. After retirement of the father, Family Pension Order was issued. After the demise of her father, the mother of the petitioner received the family pension till her death in 2013. After such demise and the demise of her husband, the petitioner made an application for grant of family pension as per DCRB Scheme, 1981. But, the prayer was not considered. This Court directed the appropriate authority to consider the representation, pursuant to which, the representation was considered and the prayer thereafter turned down. By an order dated 17.01.2023, the main ground for rejection was that there was no provision for granting benefit of family pension to a widow daughter. But, by a subsequent notification dated 25.01.2024 published by the Higher Education Department of the State, it has been made amply clear that a widow daughter would get the benefit of family pension of a deceased employee. Therefore, the petitioner would be entitled to such benefit. Reliance is placed on a judgement passed by this Court on 21.08.2024 in ***Kumari Alpana Tripathy vs. The State of West Bengal & Ors., WPA 2318 of 2020.***
3. Learned senior counsel representing the State submits as follows. Since the subsequent notification in question amending the earlier provision has come after passing of a reasoned order dated 17.01.2023, the petitioner needs to make a fresh representation in this regard before the competent authority.

4. In view of the above, let the petitioner make a representation at the earliest seeking compassionate appointment in terms of DCRB Scheme read with the Notification dated 25.01.2024 before the respondent no.3 who shall, then, consider the same in accordance with law and after granting opportunity of hearing to the petitioner as expeditiously as possible, preferably within a period of eight weeks from the date of communication of the representation.
5. The order dated 17.01.2023 passed earlier by the DPI shall not come in the way of filing and consideration of such fresh representation.
6. With these observations, the writ petition is disposed of.
7. As affidavits were not called for, the allegations contained in the writ petition are deemed not to have been admitted.
8. Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J)