

28.02.2024.  
Court No.13  
Item No. 22  
pk

**W.P.A. No. 28567 of 2023**

**Bharati Kundu  
Versus  
State of West Bengal and others**

Mrs. Sabita Khutia (Bhunia)  
...For the petitioner.

Mr. Suman Dey,  
Mr. Supriya Majumder  
... For the State

1. Affidavit of service filed in Court is taken on record.
2. The petitioner is the unmarried daughter of late Tulsi Charan Kundu, Assistant Teacher. She has applied for pension.
3. Pursuant to a decision of a Co-ordinate Bench dated 13<sup>th</sup> June, 2016 passed in WPA 5579 of 2016, the respondents considered and rejected the petitioner's claim for pension on account of her late father. The respondents held that only living widows of ex employees are entitled to pension.
4. Entitlement of a unmarried daughter to pension has been upheld by a Special Bench of this Court in the case of the **State of West Bengal and others Vs. Sabita Roy (MAT 1518 of 2019)**. Unmarried daughter of employees retiring before and after 1981 DCRB Scheme have been held to be entitled to family pension.

5. Counsel for the State opposes the prayer of the writ petitioner and submits instructions of the D. I. of Schools (P.E.), South 24 Parganas dated 12.12.2023.
6. This court holds that the writ petitioner shall be entitled to pension from the date of death of her mother, who was enjoying family pension on account of her late father.
7. Let the Pension Payment Order be issued to the petitioner by the DPPG within one month from date. Let all arrears of pension that petitioner is entitled, to be paid to her within a period of two months from date.
8. The impugned order is set aside.
9. The writ petition is allowed.
10. There will be no order as to costs.
11. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

**(Rajasekhar Mantha, J.)**