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29.07.2024
Ct. No.02
NB

HIGH COURT AT CALCUTTA
In The Circuit Bench At Jalpaiguri
Appellate Jurisdiction

WPA 618 of 2023

Rupan Majumder
Vs.
The Union of India & Ors.

Mr. Pritam Roy,
Mr. Deborshi Dhar.
...for the petitioner.

Mr. Sudipto Kumar Mazumdar Id.DSGI,
Mr. Ajoy Kumar Singhaniya.
...for the UOI.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the daughter of an employee who was married at the time of death of the employee. However, at present, she has been divorced. She prayed for family pension, which was denied by a communication dated 28.10.2022.

Learned Deputy Solicitor General of India representing the Union of India submits as follows. In the instant case, the application for divorce was made after the demise of the employee. Quite naturally, divorce was granted much later. Therefore, according to the relevant Pension Rules being Central Civil Services (Pension) Rules, 2021, the petitioner would not be entitled to any family pension.

Perused the impugned consideration including office memorandum dated 26.10.2022.

It appears that as per Rule 50(9) of the Central Civil Services (Pension) Rules, 2021, an unmarried or widowed or divorced daughter of a deceased government servant/pensioner, who was not earning her livelihood, was eligible for family pension beyond the age of twenty-five years for life or until she got married or re-married or until she started earning livelihood, whichever was the earliest, subject to certain conditions.

In the instant case, at the death of the government servant/pensioner, the petitioner was a married woman. Her divorce application was filed after the demise of the pensioner.

Therefore, I do not find any illegality in the impugned order.

Accordingly, the writ petition is dismissed, however, without any order as to costs.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)