

10.06.2024
Sl. No.71(DL)
srm

IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE

W.P.A. No. 945 of 2024

Smt. Jasinta Singh

Versus

Union of India & Ors.

Mr. Kunaljit Bhattacharjee,
Mr. Alok Sah

...for the Petitioner.

Mr. Sudipto Kumar Mazumder,
Mr. Sourab Kar,
Mr. Saptak Sarkar

...for the UOI.

1. Admittedly, the petitioner did not enter into a legal matrimony with an employee of the Directorate of Forest Education. At best, the petitioner could be termed as a partner or a companion. The petitioner had a daughter from the relationship.
2. Upon the death of the said employee, family pension was being disbursed to the legally married wife. After the death of the wife, the minor son and the girl child born out of the relationship between the petitioner and the deceased were enjoying the family pension. Upon the children attaining majority, the family pension was stopped as per the rules.

3. The petitioner made a representation for humanitarian consideration of her case. The representation is at page 19 of the writ petition. The said representation was disposed by the concerned authority by denying the petitioner's claim for family pension. She was not mentioned in the service book of the employee as a person eligible to receive family pension.
4. As the marriage of the petitioner with the deceased was admittedly not legal and valid, under no circumstances could she be considered as a dependent widow, entitled to family pension.
5. I do not find any illegality in the order impugned as the petitioner admits that she was not a legally married wife of the deceased. As per law, the widow and thereafter the children including the child born out of the relationship of the petitioner with the deceased was allowed family pension.
6. Under such circumstances, the writ petition is dismissed.
7. There shall be no order as to costs.
8. Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)