

17.07.2025
Item No. 03
Ct. No. 30
AN

WPA 1030 of 2025
Rabindranath Sardar
vs.
State of West Bengal & ors.

Mr. Subhash Chandra Sarkar

... for the petitioner

1. The present writ application has been preferred praying for release of family pension to the petitioner on physically disability ground.

2. It appears that the authority concerned being the Judge, 4th Special Court, Calcutta, in his administrative capacity has written to the Joint Secretary, Judicial Department, Government of West Bengal on the finding, which is as follows:

“In the present case the copy of medical certificates dated 03.12.1997 and dated 13.06.2001 with regard to orthopaedic problem and copy of medical certificate dated 12.12.2020 regarding visionary problem, furnished alongwith application are not found as recent documents.

In the instant case any such information with regard to the disabled/handicapped child of the deceased pensioner/Govt. Employee or his deceased spouse does not appear to have been found in the Service Book of the deceased pensioner/Govt. Employee and in the official record also. This shows that any declaration that the present applicant is the handicapped person has not been furnished by the deceased pensioner/Govt. Employee or his deceased spouse during their life time.

In the present case, the informations about any handicapped son does not appear to have been furnished either by the deceased pensioner/Govt. Employee or the spouse of the said deceased pensioner/Govt. Employee during their life time in conformity with the mandatory requirements postulated in F.D.'s Memo No. 201-F (Pen) dt. 26.02.2007 which signifies the inherent defect in the present application submitted by Sri Rabindranath Sardar.

This for your kind information.”

3. On perusal of the copies of the documents annexed to the writ application, it appears from the medical certificate issued by the Medical Board on 13.06.2001 that the petitioner herein is 40% disabled. Several other documents have been annexed in support of such contention.

4. There are sufficient materials on record to show that the petitioner is the son of the deceased employee.

5. It is unfortunate that the authority concerned without asking for further documents decided the case in a mechanical manner.

6. Accordingly, in the interest of justice, the letter dated 03.02.2024 issued by the Judge, 4th Special Court, Calcutta is set aside.

7. Hence, the matter is remanded back to the learned Chief Judge, City Sessions Court, Kolkata to consider the matter afresh on the basis of the papers and

documents to the satisfaction of the learned Chief Judge who shall then pass an order in accordance with law, in respect of the prayer of the petitioner.

8. A copy of this order be sent to the learned Chief Judge, City Sessions Court, Kolkata who shall consider the matter expeditiously keeping in mind the fact that the petitioner has claimed the relief as a disabled person.

9. The writ application is **disposed of**.

10. Consequently, pending applications, if any, stand disposed of.

11. Interim order, if any, stands vacated.

12. There will be no order as to costs.

13. Urgent certified photostat copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Shampa Dutt (Paul), J.)