

M/L 4
10.02.2025
Court No.19
SD

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 2007 of 2024

Ruma Das

Vs.

The State of West Bengal & Ors.

Mr. Goutam Kumar Maity

...for the Petitioner.

Mr. Suman Dey

...for the State.

The petitioner is the divorcee daughter of a deceased Assistant Teacher of Dakshin Sagar Banitirtha High School, Sagar, District: 24-Parganas (South).

On attaining the age of superannuation, the father of the petitioner had retired from his service on March 31, 2001 and died on October 16, 2023. The mother of the petitioner predeceased her father.

The petitioner applied for family pension and her application is pending at the end of District Inspector of Schools (SE), District: 24-Parganas (South), the respondent no.4 herein. The petitioner praying a direction upon the respondent no.4 to process her pension papers has filed the instant writ petition.

An objection since was taken on behalf of the State that though upper cap of the family income of the deceased teacher has been increased from Rs.3500/- per month to Rs.9000/- per month but such benefit was extended only to the unmarried daughters of the deceased teacher and the petitioner being a divorcee daughter is not entitled to family pension.

This Court by the order dated May 10, 2024 had directed the Joint Secretary, Education Department (Secondary Branch) to re-visit the decision of the Government to exclude the divorcee daughter from the purview of the said notification and to publish an appropriate Government Order/Notification extending the said benefit to a divorcee daughter of a deceased teacher also.

Mr. Dey, learned advocate for the State submits that in compliance with the said direction, the School Education Department (Secondary Branch), Government of West Bengal

has issued a Memorandum bearing No. 1240-SED-11011(11)/4/2024 dated September 27, 2024 extending the benefit of enhancement of family income to a divorcee daughter of a deceased teacher also. He files a copy of the said Memorandum; let it be kept with the record.

In view of such development, there is no embargo now to consider the prayer of the petitioner. The representation of the petitioner praying family pension addressed to the respondent no.4 forms part of the writ petition being Annexure-P/6. The said respondent is directed to consider the said representation in accordance with law and to dispose it of expeditiously, preferably within a period of six weeks from the date of communication of this order.

In the event, the petitioner is found otherwise eligible for family pension, the said respondent shall immediately send the pension papers to the Director of Pension, Provident Fund and Group Insurance, Government of West Bengal, the respondent no.3 herein and the said respondent shall thereafter take forward steps for issuance of Pension Payment Order in favour of the petitioner.

WPA 2007 of 2024 is disposed of with the above terms without any order as to costs.

Parties to act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)