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26.02.2025
Ct. No. 18
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W.P.A. 3091 of 2025

**Manjula Patra
Vs.
The State of West Bengal & Ors.**

Mr. Subhan Majumder
Mr. Anirban Ghosh
...for the petitioner

Md. Gausal Alam
Ms. Susmita Dey (Basu)
...for the State

Affidavit of service filed on behalf of the petitioner is taken on record.

Petitioner being unmarried daughter of a deceased retired teacher has come up with the present writ petition, *inter alia*, claiming sanction of family pension in her favour since father of the petitioner died on 5th January, 2013. After the death of father of the petitioner who was retired assistant teacher and was in receipt of pension mother of the petitioner was sanctioned family pension from 6th January, 2013 and mother died on 1st November, 2021. According to the petitioner being an unmarried daughter she is entitled to receive family pension after death of her mother.

While processing the family pension case of the petitioner District Inspector of Schools (SE)

Kolkata vide memo dated 18th December, 2023 informed the authority of Tollygunge Bangur High School (HS), Kolkata that objection was raised by the Assistant Director of Accounts, SED, Kolkata. Pursuant to such memo dated 18th December, 2023 teacher-in-charge of the school of father of the petitioner submitted re-constructed service book in connection with service rendered by the father of the petitioner on 24th January, 2024 before the District Inspector of Schools (SE) Kolkata for settling family pension case in favour of the petitioner. It is submitted that till date family pension has not been released.

State-respondents are represented by learned advocate who submits father of the petitioner worked in two different schools which prevented the State-authorities to settle the family pension case.

Such submission made on behalf of the State-respondents in relation to settling family pension case in favour of the petitioner pales into insignificance since on settling the pension case father of the petitioner received pension and subsequently mother of the petitioner received family pension. Therefore, there should not be any impediment in sanctioning family pension in favour of the petitioner being an unmarried

daughter if she is otherwise eligible to receive the same.

In view of aforesaid discussion writ petition stands disposed of directing the State authorities including the District Inspector of Schools (SE) Kolkata to release family pension in favour of the petitioner being an unmarried daughter, if she is otherwise eligible, by 8 (eight) weeks from the date of communication of this order.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)