

WPA 5484 of 2025

Masuma Khatun
Vs.
The State of West Bengal & Ors.

Mr. Dili Kumar Sadhu
...for the petitioner
Mr. Tapas Kr. Dey
...for the State

In terms of the order dated 19th March, 2025 report dated 25th March, 2025 of the District Inspector of Schools (SE) Purba Medinipur being respondent no. 4 is placed before this Court and same is taken on record.

On perusal of the report it appears that respondent no. 4 has admitted that Haldia High School (HS), Purba Medinipur (hereinafter referred to as 'said school') where father of the petitioner worked as assistant teacher forwarded the prayer of the petitioner for sanction of family pension being unmarried daughter of a deceased teacher on 6th January, 2023 which is enclosed to this report. However, respondent no. 4 has stated in his report that in terms of the Government Order dated 13th April, 2010 requisite documents were not forwarded by the authority of said school which was verbally informed to the said school

authority. In the report nothing is spelt out that what are those documents which are required for settling the family pension case of the petitioner. At the same time a different stand is also taken by the respondent no. 4 as it emanates from memo dated 19th March, 2025 issued by the respondent no. 4 addressed to the headmaster of the said school wherefrom it appears necessary papers are required to be submitted in terms of Government Order No. 202-F(Pen) dated 15th March, 2024.

The Government Order which has been referred to in the memo dated 19th March, 2025 issued by the respondent no. 4, is dated 15th March, 2024 whereas father of the petitioner died on 2nd March, 2021. Therefore, the said Government Order dated 15th March, 2024 has no manner of application in settling family pension case of the petitioner since the said Government Memo dated 15th March, 2024 does not have retrospective effect. In addition thereto, it also appears that this Government Memo dated 15th March, 2024 is applicable to the Government employees whereas father of the petitioner was an assistant teacher of a Government aided recognized school.

In consideration of the facts of the present case it appears respondent no. 4 has

unnecessarily caused delay in processing family pension case of the petitioner though after death of father of the petitioner vide letter dated 6th January, 2023 family pension case was sent by the said school authority to respondent no. 4. On perusal of the writ petition it further appears that 'Legal Heir Certificate' dated 3rd November, 2022 was issued by the appropriate authority and Income Certificate dated 12th July, 2024 was also issued by the Chairman-in Council of Haldia Municipality.

In view of aforesaid situation respondent no. 4 is directed to settle the family pension case of the petitioner based on the Income Certificate dated 12th July, 2024 and Legal Heir Certificate dated 3rd November, 2022 by 4 (four) weeks from the date of communication of this order. Since father of the petitioner was in receipt of pension as such pension file must have been maintained by the office of the respondent no. 4, relevant documents which are available on pension file can be considered by the respondent no. 4 while finalizing family pension case of the petitioner. Respondent no. 4 shall pass an appropriate order for releasing family pension in favour of the petitioner, if she is otherwise eligible by the aforesaid period of 4 (four) weeks and the Director

of Pension, Provident Fund and Group Insurance being respondent no. 2 shall issue necessary Pension Payment Order within 2 (two) weeks thereafter. Family pension shall be released in favour of the petitioner at an early date but not later than 8 (eight) weeks from the date of communication of this order.

Writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the learned Advocates for the parties on the usual undertakings.

(Saugata Bhattacharyya, J.)