

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

46 22.5.2025
Sc Ct. no.2

WPA 9634 OF 2025

Satyanarayan Pal

Vs.

State of West Bengal & Ors.

Ms. Susmita Dey (Basu)

....For the Petitioner

Mr. Avijit Sarkar

Mr. Zakir Hossain.

....For the Respondents
State

Mr. N. C. Bihani

Mr. Soumyajit Ghosh.

....For the CSTC

Affidavits-of-service, filed in Court today, is taken on record.

Ms. Susmita Dey (Basu), learned counsel appears for the petitioner.

Mr. Avijit Sarkar, learned counsel appears for the respondents State.

Mr. Soumyojit Ghosh, learned counsel led by Mr. N. C. Bihani, learned Senior Counsel appears for the ***Calcutta State Transport Corporation (for short CSTC).***

The writ petitioner is a retired employee of the CSTC. Following his eligibility and the legal provisions the petitioner has received his superannuation benefits.

The petitioner has been receiving his pension regularly. The petitioner now has submitted a representation dated **April 2, 2025** before the CSTC, **Annexure-P3 at page 23** to the writ petition seeking to nominate his unmarried sister to be his nominee to make the sister entitled to receive Family Pension on his death.

Since the representation is unheeded, the instant writ petition has been filed.

Both the learned counsel appearing for the respondents have opposed the claim of the petitioner.

Mr. Soumyajit Ghosh, learned counsel referring to the provisions laid down in **Chapter II** from the **Calcutta State Transport Corporation Employees' (Death-cum-Retirement Benefit) Regulations, 1990** (for short the said Regulations) submits that, the unmarried sister does not come and is not covered within the meaning, ambit and definition of "**Family Members**" for the purpose of family pension. Therefore, the unmarried sister of the petitioner is not at all eligible to claim family pension upon death of the petitioner who was an employee of the CSTC.

Learned counsel appearing for the State has also adopted the submissions made on behalf of the CSTC.

Resultantly, the respondents pray for dismissal of this writ petition.

After considering the rival contentions of the parties and upon perusal of the materials on record this court first proceeds to quote the relevant provisions from the

said Regulations. **Sub-Clause (b) to Clause 5 of Regulation 7** is quoted below:

*“Chapter II
Definition*

7. *In these Regulations, unless there is anything repugnant to the subject or context –*
- (1)*
 - (2)*
 - (3)*
 - (4)*
 - (5) “family” includes the following relatives of Corporation employee, namely –*
 - (a) for the purpose of death gratuity, -*
 - (i)*
 - (ii)*
 - (iii)*
 - (iv)*
 - (v)*
 - (vi)*
 - (vii)*
 - (b) for the purpose of family pension, -*
 - (i) wife in the case of a male employee,*
 - (ii) husband in the case of a female Employee,*
 - (iii) minor sons (including adopted sons),*
 - (iv) unmarried minor daughters (including adopted daughters),*
 - (v) dependant parents.”*

On a meaningful and plain reading of the provisions quoted above it appears to this Court that unmarried sister does not come within the meaning, ambit and purview of the definition “**family**” for the purpose of family pension.

To grant family pension as recognized in law is based on welfare policy of the State. That the welfare scheme if provides for the same, a family pension is granted accordingly. The amount ultimately comes from the Public Exchequer. The object of granting family

pension to the defined family members under such welfare scheme is to provide financial support to such defined family members on the death of the employee concerned. There is no scope for any charity.

The law is well settled that, when a law provides for a particular provisions such provisions has to be strictly adhered to, more so, in respect of a welfare policy of the State. The Court cannot add or alter or supplant any such policy.

Since unmarried sister is not a defined family member as defined under the provisions quoted above, she is not at all eligible to receive family pension.

In view of the above, this Court is of the considered and firm view that this writ petition is devoid of any merit, frivolous and vexatious.

Accordingly, the writ petition, **WPA 9634 of 2025** stands ***dismissed***, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)