

03.11.2025
Sl. No.8
Ct. No.7
gd

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

WPA/10331/2025
ASHIMA PRAMANIK
VS
STATE OF WEST BENGAL AND ORS.

Mr. Tarapada Das,
Mr. Chandan Dutta

...for the Petitioner.

Ms. Munmun Tewary
Ms. Rituparna Ghosh

...for the State.

Mr. Arindam Chattopadhyay
Ms. Lipika Chatterjee

...for DPSC Nadia.

1. Affidavit of service filed on behalf of the petitioner is taken on record.
2. The District Inspector of Schools (Primary Education), Nadia files report dated 26th May, 2025 which is taken on record.
3. By the present writ petition the petitioner seeks for a direction upon the respondent authorities to release the arrear of pension with interest at the rate of 10% per annum in terms of Government Circular No.96-SE(B) dated 13th April, 2010.
4. This is second round of litigation.
5. The petitioner is a widowed daughter of Kanailal Sadhu who was an employee of Nadia District Primary School Council and retired from service on

31st October, 1988 and subsequently died on 30th January, 2005. After the death of the husband of the petitioner, namely, Manoj Pramanik on 7th November, 2016, the petitioner made an application before the District Inspector of Schools on 11th August, 2017 for grant of family pension. The prayer of the petitioner was turned down by the authority concerned on 22nd September, 2017.

6. Being aggrieved by the said decision, the petitioner filed a writ petition before this Hon'ble Court being WPA No.4117 of 2019.
7. The said writ petition was disposed of on 28th February, 2024 with the following direction:

"6. The impugned orders dated 22nd September, 2017 and 7th September, 2018 are quashed and set aside.

7. The petitioner shall be entitled to pension from 9th August, 2010.

8. Let Director of Pension, Provident Fund and Group Insurance, West Bengal issue a pension payment order in favour of the petitioner in aid of the pension payment order issued in favour of her late mother and father.

9. Let the arrears of pension be released to the petitioner within a period of two months from the date of communication of a copy of this order by the 3 District Inspector of Schools (PE), Nadia and the concerned Treasury Officer.

10. For the aforesaid purpose, the petitioner shall produce all the relevant documents in support of her claim. The District Inspector of Schools (PE), Nadia shall upon scrutiny thereof forward the same to the Director of Pension, Provident Fund and Group Insurance, West Bengal for issuance of pension payment order.

11. The petitioner shall approach the District Inspector of Schools (PE), Nadia and submit all the documents within a period of four days from date.

12. The petitioner may also submit evidence of submission of such documents earlier to the District Inspector of Schools (PE), Nadia. Any enquiry is required to be made by the District Magistrate, Nadia may be done as expeditiously as possible to facilitate compliance of the aforesaid order in time."

8. Since the order passed in the writ petition was not complied with, the petitioner filed a contempt application being CPAN 924 of 2024.

9. The said contempt application was disposed of on 27th September, 2024 with the following direction:

“7. In that view of the matter, the DPPG, West Bengal shall first take a decision as regards the entitlement to pension of the petitioner only given her income. Let a reasoned order be passed in that regard.

8. If the petitioner is found eligible let PPO be issued. Otherwise, a reasoned order may be communicated to the 3 petitioner within a period of one month from the date of communication of a copy of this order.”

10. Pursuant thereto, order has been passed by respondent no.2, Director, Pension, Provident Fund and Group Insurances, Government of West Bengal on 9th December, 2024 granted family pension to the petitioner, being the widowed daughter of the employee.

11. Mr. Tarapada Das, learned advocate for the submits that the petitioner claims arrear of pension from 15th March, 2024 i.e. the date on which the Sub-Divisional Officer, Krishnagar Sadar, Nadia has issued the income certificate in favour of the petitioner.

12. Ms. Munmun Tewary, learned advocate for the State-respondents submits that the order raising income ceiling of family pension has been given effect from 27th September, 2024 and, therefore, the claim of the petitioner of arrears from 15th March, 2024 is baseless. She seeks for dismissal of the writ petition.

13. Mr. Arindam Chattopadhyay, learned advocate for the respondent no.5, District Primary School Council, Nadia also submits in the similar fashion.
14. By Order No.1240-SED-11011(11)/4/2024 dated 27th September, 2024, the income ceiling for entitlement of family pension for divorced/widowed daughters were raised to Rs.9,000/- per month. Such order was directed to take immediate effect from the date of issue of the order. The respondent no.2/Director of Pension, Provident Fund and Group Insurance, Government of West Bengal while allowing family pension in favour of the petitioner has considered the Memorandum dated 27th September, 2024 and allowed the petitioner to entitlement of family pension as widowed daughter with effect from 27th September, 2024 i.e. date of issuance of the order for extension of income ceiling limit. As the order dated 27th September, 2024 expressly provides that the extension of the income ceiling will take effect from the date of issuance of the order, the same cannot be given a retrospective effect as claimed by the petitioner from 15th March, 2024. In the light of the above, the writ petition falls short of merit.
15. Accordingly, the writ petition being no. **WPA 10331 of 2025** stands dismissed.
16. Interim order, if any, stands vacated.
17. All connected applications, if any, stand dismissed.

18. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
19. Urgent Photostat copy of this order, if applied for, be given to the parties upon compliance of necessary legal formalities.

(Bivas Pattanayak, J.)