

18.06.2025

Item No.20

Crt.No.02

b.r.

WPA 11628 of 2025

Sk. Najibar Rahaman

-vs-

The Union of India & Ors.

Mr. Kamal Mishra

Mr. Pratap Sanfui

..... for the petitioner.

Mr. Saptangsu Basu, Sr. Adv.

Mr. Ashok Kumar Jena

... for the Resp. nos. 2 to 3.

Mr. Souvik Nandi, Sr. Adv.

Mr. Debapriya Samanta

... for the Resp. nos. 1 to 8.

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

Mr. Kamal Mishra, learned advocate appears for the petitioner.

Mr. Souvik Nandi, learned Senior advocate with Mr. Debapriya Samanta, learned advocate appear for the respondent nos. 1 to 8.

Mr. Ashok Kumar Jena, learned advocate led by Mr. Saptangsu Basu, learned Senior advocate appear for the respondent nos. 2 to 3.

The petitioner claims to be a handicapped son of an employee of the Port Trust Authorities. The employee being the father of the petitioner after his superannuation received pensions. After the demise of

the employee, the mother of the petitioner being the widow of the employee received family pension. Now, the mother died and the allegedly handicapped son claims family pension.

The petitioner through its advocate's letter dated **January 27, 2025** made a representation **P-14 at page-53** to the writ petition. The Port Trust Authority had rejected the claim of the petitioner by a communication dated **February 17, 2025 Annexurep-15 at page-55** to the writ petition. The reasons are quoted below:-

“ In this connection, it may kindly be noted that above referred OM is not automatically applicable in this port, SMPK has its own pension regulation in terms of G.S.R. 712(E) Calcutta Port Trust Employees'(Pension) Regulations, 1988. SMPK has not adopted CCS Pension rules for this port.

However, presently the matter of adoption of CCS pension rules is under process, till such time SMPK is unable to consider similar type of family pension claim of married handicapped son.

Therefore, as on date, the communication from this office vide letter FIN/PSL:I/23/307 dated 05.06.2023 stands unaltered. On completion of adoption of CCS pension rules by SMPK, your claim may be re-examined, if eligible.”

The relevant content of the communication dated **June 5, 2023, annexure p-12 at page-49** to the writ petition is also quoted below:-

*“In this connection it may kindly be noted that in term of FA & CAO’s circular No. Fin/PSLI/12/1031 dated 25th September, 2012 states clearly that **“Married sons/daughters, even if they are suffering from any disorder or disability of mind including mentally retarded or are physically crippled or disabled, shall not be eligible for family pension, Therefore, your claim is returned.”***

The aforesaid reasons show that there is no provision for granting family pension to the petitioner in the facts and circumstances of the instant case. This is the policy decision of the organization. The Court shall not interfere with the said policy decision.

In view of the above, this writ petition, **WPA 11628 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.)