

05.02.2025
(D/L 12)
Ct.-19
(Susanta)

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

APPELLATE SIDE

W.P.A. 13678 of 2024

Lilamoyee Bhattacharya

-Vs-

The State of West Bengal & Ors.

Mr. Saurav Mitra,

Ms. Pritikana Gantaint,

.... For the Petitioner.

Mr. Suman Dey,

.... For the State.

The petitioner is the widowed daughter of an Assistant Teacher at Debra Harimatu Saraswat Vidyamandir, District- Pachim Medinipur on attaining the age of superannuation the said teacher had retired from his said service on December 31, 1995 and died on July 01, 2005 and on the death of the said teacher his widow, the mother of the petitioner started receiving the family pension, she also died on March 15, 2013.

The petitioner thereafter has applied for family pension.

The pension paper was sent to Director of Pension, Provident Fund and Group Insurance, Government of West Bengal, the respondent no. 3 herein.

The petitioner by the instant writ petition though is praying for release of her family pension but during the pendency of it the Assistant Director, Pension, Provident Fund and Group Insurance, Government of West Bengal vide Memo No. 518 dated July 26, 2024 has observed that the family income of the

proposed family pensioner since is Rs.48,000/- (Rupees forty eight thousand only) per annum which is higher than the prescribed limit she is not entitled to get the family pension.

The said Assistant Director while observing so has failed to take into consideration of the memorandum of the School Education Department, Government of West Bengal, bearing no. 1613- SE/S/1M-05/2023 dated November 09, 2023, whereby and whereunder the ceiling limit of income of the proposed pensioner has been fixed from Rs. 3,500/- per month to Rs.9,000/- per month.

In view of such the audit observation of the said Assistant Director is not sustainable and is accordingly set aside.

The respondent no. 3, therefore, is directed to re-visit the said issue in the light of the above quoted memorandum dated November 9th, 2023 and to process the pension papers and to issue pension payment order in favour of the petitioner, if she is otherwise entitled to in accordance with law.

W.P.A. 13678 of 2024 is disposed of with the above terms without any order as to costs.

Parties to act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)