

24.02.2025
(D/L-11)
Ct. No.4
(B.K.N.)

W.P.S.T. 108 of 2014

Sunanda Das
Vs.
The State of West Bengal & Ors.

Mr. Kamlesh Jha,
Ms. Madhushri Dutta
...for the Petitioner

Mr. Pinaki Dhole,
Ms. Ashmita Chakraborty
...for the State

Mr. Suman Basu
...for the Respondent No. 4

1. Heard learned counsel for the parties.
2. It is the case of the petitioner that the petitioner being wife of a deceased Hostel/Mess worker was paid family pension for nearly five years whereafter under certain decisions of the State of West Bengal in the Finance Department the Hostel/Mess workers were held to be not government employees and, therefore, not entitled to pension.
3. His submission is that the decision of the State Government to deprive the Hostel/Mess workers working within the department of Health and Family Welfare was a discriminatory decision of the State Government since the Hostel/Mess workers in the educational institutions falling under other departments continued to be granted the benefit of pension.

4. The learned State counsel submits that the Tribunal has rejected the petitioner's prayer since the government decision in this regard was not assailed by the petitioner and, therefore, there is no infirmity in the decision passed by the Tribunal.
5. Considering the matter and the submissions advanced on behalf of the parties we find that since the government decision was not assailed the Tribunal had dismissed the O.A. No. 1210 of 2013 filed by the petitioner with the following liberty:

“We, therefore, do not entertain this application, but, petitioner is at liberty to challenge the decision of the Govt. if she so desires. The application is accordingly disposed of.”
6. The learned counsel for the petitioner submits that we should allow liberty to assail the government decision. In view of the fact that such liberty has already been granted by the Tribunal and the order of the Tribunal is not assailed by the State, we leave it to the petitioner to avail the liberty in terms of the order dated passed by the Tribunal.
7. With such liberty, the writ petition stands dismissed.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)