

S/L 19
13.11.2025
Court. No. 25
sourav

WPA 18528 of 2025

**Lakshmi Rani Das
Vs.
Union of India & Ors.**

*Mr. Ramdulal Manna
Mr. Sayan Mukherjee*

...for the petitioners.

Ms. Pratiti Das

...for the State.

*Mr. Anirban Mitra
Mr. Pralay Bhattacharjee
Mr. Koushik Roy*

...for the Union of India.

*Mr. Proloy Kar
Ms. Debasree Dhamali
Ms. Riya Ghosh*

...for the Respondent no. 9.

1. The petitioner has filed the present writ application challenging the communication dated 07.11.2023 issued by the Centralized Pension Processing Centre, Chennai wherein it was informed to the petitioner that the petitioner has applied for grant of family pension after six months from the date of death of the pensioner and the pension can be sanctioned only by the Ministry of Home Affairs, New Delhi and advised the petitioner to apply for the family pension to Ministry of Home Affairs, New Delhi.
2. The learned counsel for the petitioner submits that the husband of the petitioner was the pensioner and in the Pension Payment Order the name of the petitioner is recorded as nominee being the wife of the pensioner. The pensioner died on February 27, 2023. After the death of the pensioner, the petitioner being the wife had applied before

the bank for release of the family pension but instead of release of the family pension the impugned communication has been made.

3. The petitioner draws the attention of this Court to the guideline for disbursement of Central Samman Pension to be followed by the authorised Public Sector Bank issued by the Ministry of Home Affairs, Freedom Fighter Division being F. No. 45/03/2014-FF(P).
4. In the said guidelines 5.2 reads as follows.

“After the death of the pensioner (whether freedom fighter himself or his spouse) the transfer of pension to the spouse/daughter will only be considered if she applies for transfer of pension within 6 months of the death. Application received after 6 months shall not be considered by the Bank but referred to the Ministry. The Ministry shall then, take a view whether to allow dependent pension or not or whether any arrears are to be paid.”

5. The petitioner submits that though the petitioner has applied for grant of family pension after the period of six months, the bank ought to have forwarded the case of the petitioner to the concerned Ministry for release of the family pension but instead of referring the matter to the Ministry for taking decision has directed the petitioner to apply before the Ministry which is contrary to the guidelines.
6. Per contra, learned counsel appearing for the Bank submits that admittedly the petitioner has submitted an application after the period of six months and as such, the bank has no authority to release the pension, thus the bank has informed

the petitioner to apply before the Ministry and if the Ministry will take a decision, the bank shall release the amount in terms of the order, if any, passed by the Ministry.

7. Learned counsel appearing for the Union of India submits that the matter requires consideration if the matter will come to the Ministry, the Ministry will look into the matter and take appropriate decision.
8. Heard the submissions made by the learned counsel for the respective parties.
9. It is not in dispute that the husband of the petitioner was the pensioner. It is also not in dispute that the petitioner is the wife of the pensioner. The only dispute is that the petitioner being the wife has submitted an application after the period of six months but the bank instead of referring the matter to the concerned Ministry, has directed the petitioner to apply before the Ministry directly for release of the pension.
10. This Court has considered the guidelines 5.2 wherein it is categorically mentioned that if the application received after six months shall not be considered by the bank but referred to the Ministry then the Ministry shall take a view whether to allow dependent pension or not or whether any arrears are to be paid.
11. At the time of hearing, learned counsel for the petitioner has also handed over a communicated dated August 27, 2025 issued by the Senior Officer, Legal Cell of the Ministry of Finance wherein it reveals that the eligibility whether the

clause is eligible for family pension or not is to be decided by the Ministry/Department.

12. This Court finds that no purpose would be served by keeping the writ petition pending. Accordingly, the writ petition is disposed of by directing the Chief Manager, Indian Bank, Centralised Pension Processing Centre, Chennai as well as the Branch Manager, Indian Bank, Sitalpur Branch (S727) to refer the application of the petitioner for grant of pension to the Ministry of Home Affairs, Freedom Fighter Division, 2nd Floor, NICC-II, Jai Singh Road, New Delhi i.e., the respondent no. 2 within a period of two weeks from the date of receipt of this order with the intimation to the petitioner.
13. If the Ministry received an application from the bank for release of the pension of the petitioner, the Ministry shall consider and pass necessary order within a period of four weeks from the date of receipt of the application from the bank and to communicate the same to the petitioner within a period of two weeks thereafter.
14. Accordingly, **WPA 18528 of 2025** is disposed of.
15. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Krishna Rao, J.)