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MAT 1358 of 2025

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IA No.: CAN 1 of 2025 [Sec. 5]

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IA No.: CAN 2 of 2025 [Inj.]

Alpana Kar

- Versus -

The State of West Bengal & Others

Mr. Prantick Ghosh,
Mr. Siddhartha Sarkar,
Mr. Prasad Bhattachariya
... for the Appellant.
Mr. Srinath Singh Roy,
Mr. Shaharayar Alam
... for the State/Respondents.

The present appeal has been preferred challenging an order dated 12th June, 2025 passed by the learned single Judge in the writ petition, being WPA 10290 of 2025, which was preferred by the writ petitioner/appellant herein *inter alia* praying for issuance of necessary direction upon the respondents to ‘grant, sanction and disburse the family pension in favour of the petitioner, being the dependent sister of the deceased pensioner’.

As we have invited Mr. Ghosh and Mr. Alam, learned advocates appearing for the respective parties to advance their argument on merits of the matter, the delay in filing the present appeal is condoned and the application for condonation of delay, being IA No.: CAN 1 of 2025, is disposed of.

Mr. Ghosh, learned advocate appearing for the appellant submits that the appellant is an unmarried lady, who was totally dependent upon her brother,

namely, Ranjit Kumar Kar, who retired from the post of an Assistant Teacher at Bishnupur High School in the year 1997 and subsequently, he expired on 24th September, 2021. Due to such loss of the only earning member of the family, the appellant faced extreme financial distress. Accordingly for survival, she submitted a representation to the respondents on 22nd April, 2025 praying for grant of family pension as a dependent unmarried sister of the deceased. As the said representation was not considered, she was constrained to file the writ petition.

He contends that the appellant has no means towards survival and she is suffering from extreme financial distress. In such circumstances, the learned single Judge ought to have directed the respondents to consider the appellant's representation instead of dismissing of the writ petition.

Mr. Alam, learned advocate appearing for the State/respondents submits that the appellant does not come under the purview of the West Bengal Recognized Non-Government Educational Institution Employees (Death-cum-Retirement Benefit) Scheme, 1981 (hereinafter referred to as the DCRB Scheme) and that as such, the learned single Judge has rightly refused to exercise discretion in favour of the appellant.

He further submits that the appellant's brother after his retirement availed all the pensionary benefits and subsequently expired in the year 2021.

We have heard the learned advocates appearing for the respective parties and considered the materials on record.

Indisputably, the appellant does not come within the definition of family, as provided under Clause 5(s) of the DCRB Scheme and is not entitled to family pension, as claimed. The Court cannot add or alter or supplant any provision in the said scheme. No legal right of the appellant was infringed and in view thereof, there was no obligation on the part of the respondents to consider the appellant's representation.

In the said conspectus, the learned single Judge refused to exercise discretion in favour of the appellant and dismissed the writ petition.

We do not find any infirmity in the order impugned and that as such no interference is called for in the present appeal.

Accordingly, the appeal and the connected application are dismissed.

There shall, however, be no order as to costs.

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

(Reetobroto Kumar Mitra, J.) (Tapabrata Chakraborty, J.)