

Form No. J(2)
Daily List Item No. 23
Court No. 2
b.r.

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

**Present:-
The Hon'ble Justice Aniruddha Roy**

WPA 20418 of 2025

Smt. Namita Maity
-vs-
The State of West Bengal & Ors.

For the petitioner : Mr. Manoranjan Jana

**For the State : Mr. Pinaki Dhole
Mr. Shaharayar Alam**

Heard On : 17.09.2025

Judgement on : 17.09.2025

Aniruddha Roy, J. :

1. Affidavit of service filed in Court today, is taken on record.
2. The solitary claim of the petitioner in the writ petition is that the father of the petitioner is a deceased Panchayat Karmee of the relevant Gram Panchayat. The petitioner as widowed daughter claims family pension. The petitioner has submitted her application with relevant documents.

3. Referring to **Annexure p-4 at page-73** to the writ petition, learned counsel, Mr. Jana appearing for the petitioner submits that the respondent no.2 through a communication dated **July 18, 2025** has informed the respondent no.4 with regard to the pension case of the petitioner that the application and the documents submitted by the petitioner have been returned to the respondent no.4 with a request to rectify the defects pointed out before re-submission of the application. The said communication also speaks of an audit observation that on the basis of a Government Order dated **June 10, 2009**, the claim of the petitioner was rejected.

4. Learned counsel appearing for the petitioner has relied upon a **Government Memo. Dated March 15, 2024 bearing No.202-F(PEN)** to show the procedures to be followed in case of a widowed daughter for receiving family pension.

5. However, the said Government Memo Dated **March 15, 2024** does not specify any right in favour of the widowed daughter to receive family pension and it merely deals with the procedure to be followed. He also refers to a **Government Memo Dated April 13, 2010**, which relates to **School Education Department**.

6. Be that as it may, the claim of the petitioner is required to be considered by an appropriate authority considering all the factual matrix including the applicability of the said **Government Order dated June 10, 2009** on the basis whereof the audit observation was made appearing at

page-73 to the writ petition and whether the petitioner is eligible in law to receive the said family pension, as claimed by her.

7. In view of the above, the petitioner shall forthwith serve a copy of this writ petition along with a copy of today's order upon the respondent no.4.

8. The respondent no.4 then upon issuing a prior hearing notice of at least **seven days** to the petitioner and after granting an opportunity of hearing to the petitioner shall decide the issue in the light of the case made out in the writ petition by passing a reasoned order in accordance with law.

9. The entire exercise shall be carried out and completed by the respondent no.4 positively within a period of **six weeks** from the date of communication of this order and the reasoned order shall be communicated to the petitioner positively within **a week** from the date of the said reasoned order to be passed.

10. It is made clear that, this Court has not gone into the merits of the claim of the petitioner and the petitioner shall be at liberty to urge whatever points she wishes to urge by relying upon whatever Government Memo., Circular, order and judgement before the respondent no.4.

11. It is pertinent to note that the petitioner shall be entitled to participate in the hearing being accompanied by a duly authorized representative.

12. In the event, the reasoned order goes in favour of the petitioner, the respondent no. 4 shall immediately transmit the same to the respondent no.2 but positively within **two weeks** from the date of the said reasoned order to be passed.

13. The respondent no.2 shall then upon compliance of all formalities required to be performed in law shall disburse the family pension in favour of the petitioner and shall continue to do so without any default by crediting the Bank Account of the petitioner. Such disbursement shall be made by the respondent no.2 positively within a period of **four weeks** from the date of receiving the reasoned order from the respondent no.4. The petitioner shall also communicate a copy of the reasoned order to the respondent no.2.

14. It is made clear that this order shall not create any right or equity in favour of the petitioner, if the petitioner does not succeed to her claim before the respondent no.4, strictly in accordance with law.

16. Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

17. In the event, the reasoned order to be passed by the respondent no.4 goes in favour of the petitioner then automatically the audit observation appearing at **page-73** to the writ petition would become without any effect and force in so far as this petitioner is concerned and the same would have no effect or further effect on the petitioner.

18. With the above observations and directions, this writ petition, **WPA 20418 of 2025** stands **disposed of**, without any order as to costs.

19. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties expeditiously, on compliance of usual legal formalities.

(Aniruddha Roy, J.)