

25.09.2025
Court No. 18
Item No.09 (DL)
(Suvendu)

WPA 20559 of 2025

CHHANDA ROY
-VERSUS-
THE STATE OF WEST BENGAL & ORS.

Mr. Sourav Mitra
Ms. Sreyasree Choudhury
..... for the petitioner

Mr. Keshab Chandra Das
Ms. Tuhina Parvin
.....for the State

1. Affidavit of service filed on behalf of the petitioner is taken on record.
2. Petitioner's husband was an Assistant Teacher who died-in-harness on 1st August, 2012. Entitlement of the petitioner to get family pension due to death of her husband on depositing benefits accrued in favour of the petitioner in terms of CPF scheme along with interest and additional interest has already been decided by a coordinate Bench while disposing of a writ petition being WPA 13768 of 2024 preferred by the petitioner. It is also submitted that pursuant to order dated 30th January, 2025 passed on WPA 13768 of 2024 Pension Payment Order was issued on 29th April, 2025 releasing terminal benefits including family pension and death

gratuity. However it is submitted by learned advocate representing the petitioner that family pension was sanctioned from 19th September, 2024 being the date of refunding the benefits which was extended in favour of the petitioner under CPF scheme, not from the date following the date of death of husband of the petitioner. Petitioner prays for release of family pension from the date following the date of death of husband of the petitioner.

3. State respondents are represented by learned advocate who submits that terminal benefits including death gratuity and family pension have already been sanctioned in favour of the petitioner vide Pension Payment Order dated 29th April, 2025. Therefore, according to the State respondents, nothing is remaining due.

4. However considering respective submissions made on behalf of the parties, it appears that the issue is no more *res integra* in view of the judgment delivered by the Hon'ble Special Bench on intra-court appeal being APO No. 121 of 2007 dated 30th September, 2019. On placing reliance on paragraph 55 of the judgment of the Hon'ble Special Bench dated 30th September, 2019 Court does not find any impediment in extending benefit of family pension

to the petitioner from the date following the date of death of husband of the petitioner.

5. Accordingly State respondents are directed to issue revised Pension Payment Order in favour of the petitioner within twelve weeks from date of communication of this order thereby extending benefit of family pension from the date following the date of death of husband of the petitioner.

6. Writ petition stands disposed of.

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

8. Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Saugata Bhattacharyya, J.)