

Form No. J(2)
ML. 05
b.r.

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

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

WPA 21213 of 2024

***Bhaswati Dafadar*
-vs-
*The State of West Bengal & Ors.***

For the petitioner : Mr. Dibyendu Chatterjee
Mr. Mainak Singha Barma

For the State-Respondents : Mr. Dipanjan Datta, Sr. Govt. Adv.
Mr. Sayan Dutta

Heard On : 04.08.2025

Judgement on : 04.08.2025

Aniruddha Roy, J. :

1. On the prayer of learned State Advocate, affidavit in opposition on behalf of the respondent no.8 filed today in Court, the same is taken on record. Copy has been served upon the petitioner.
2. Learned counsel for the petitioner, on instruction from his client, submits that the petitioner shall not file any affidavit in reply to the said

affidavit in opposition and she shall proceed on the basis of the existing records.

3. The petitioner being an unmarried daughter claim family pension on account of her deceased mother, namely, **Shyamali Dutta/Dafadar** (for short, Shyamali). The appointment letter of Shyamali dated **June 18, 1987**, **annexure p-1 at page-18** to the writ petition shows that she was appointed by West Bengal Social Welfare Advisory Board purely on **temporary basis** for the post of **Craft Teacher** in the Family and Child Welfare Project at the border area. The appointment letter shows that the appointment was not either against a permanent post or against any sanctioned post. Shyamali died on **January 23, 2010**, as would be evident from the Death Certificate at **page-28** to the writ petition.
4. After demise of Shyamali, her husband being the father of the petitioner made representations from time to time during **October 2010** for release of employment benefits on account of Shyamali. Necessary Pension Payment Order (PPO) was also issued, as would be evident from **page-39** to the writ petition, in favour of the father of the petitioner on account of the family pension of deceased Shyamali.
5. The father got subsequently married.

6. The petitioner now claims family pension on the strength of the Government Memo dated **March 3, 2008, annexure p-3 at page 26** to the writ petition. By a communication dated **January 13, 2017**, the West Bengal Social Welfare Board has also requested the office of the Director of Pension for issuance of fresh PPO in favour of the petitioner.
7. The report on affidavit affirmed on behalf of the respondent Board, which is on record, shows that the stand of the Board is that they are governed by the instruction of the Finance Department and if the Finance Department permits them, they shall take steps immediately.
8. In view of the above, this Court directed the Finance Department through its Secretary to file an affidavit and accordingly an affidavit in opposition has been affirmed on behalf of the respondent no.8. The clear stand of the Finance Department is that in terms of the said Government Memo dated **March 3, 2008**, which is the government policy for granting family pension to an unmarried daughter, only includes the unmarried daughters of **State Government Employee/Pensioners**. The Welfare Board in the instant case being the employer of Shyamali is an independent body, therefore Shyamali cannot be termed to be an employee of the State Government and consequently, the claim of the petitioner is not sustainable in law.

9. After considering the rival contentions of the parties and upon perusal of the materials on record, it appears to this Court that the policy of the State for granting family pension to an unmarried daughter only includes those unmarried daughters of State Government employee/pensioners. Admittedly, the employment of Shyamali was under the said Welfare Board which is an independent and autonomous body and does not come within the meaning and purview of **“State Government”**. Therefore, Shyamali cannot be termed or construed as a State Government employee, thus, the said policy dated **March 3, 2008** does not apply for the petitioner and the petitioner is not included within the meaning and scope of the said policy.
10. In view of the foregoing reasons and discussions, this writ petition is totally devoid of any merit and the claim of the petitioner would not be sustainable in the eye of law.
11. Accordingly, this writ petition, **WPA 21213 of 2024** stands **dismissed**, without any order as to costs.
12. Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)