

12.11.2025
Item No. 27
Ct. No. 14
AN

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

**WPA 22465 of 2025
Rina Maity
vs.
State of West Bengal & ors.**

Mr. Dilip Kumar Sadhu
... for the petitioner

Mr. Jayanta Samanta
Ms. Paromita Malakar (Dutta)
... for the State

1. Affidavit of service filed on behalf of the petitioner is taken on record.
2. None appears on behalf of the State.
3. Mr. Jayanta Samanta, learned advocate who usually appears for the State is requested to represent the State in this matter. Let the appointment of Mr. Samanta be regularised by the concerned authority.
4. Learned advocate appearing for the petitioner is directed to serve a copy of the writ petition alongwith all the annexures to Mr. Samanta, learned advocate representing the State.
5. By the present writ petition, the petitioner seeks for grant of family pension in her favour.
6. The petitioner contends that the father of the petitioner viz. Krishna Prasad Jana was an Assistant Teacher in Simuldari Primary School, P.O. Simuldari, Dist. Purba Medinipur. The father of the petitioner

superannuated on 31st December, 1999 and received family pension. The father of the petitioner died on 24th January, 2002. The mother of the petitioner pre-deceased her father and died on 7th April, 1997. The husband of the petitioner died on 16th April, 2019. Subsequent thereto, the petitioner being the widowed daughter of the ex-deceased employee, made representation on 8th July, 2025 before the concerned authority for issuance of family pension, however, the same has not been granted. Hence this writ petition.

7. Mr. Dilip Kumar Sadhu, learned advocate appearing for the petitioner submits that as per the Government Order under Memo Nos. 39-SE(B) dated 10th January, 2008 and 95-SE(B) dated 13th April, 2010, the benefits of the family pension is extended to the widow/divorced and unmarried daughters of all the teachers and non-teaching employees. In support of his contention, he relies on the decision of the Hon'ble Special Bench of this Court passed in the case of ***State of West Bengal & Others v. Sabita Roy (MAT 1518 of 2019)*** alongwith other appeals and writ petitions.
8. Mr. Jayanta Samanta, learned advocate representing the State leaves the matter to the discretion of the Court.

9. It is a fact that the representation filed by the petitioner before the concerned authority on 8th July, 2025 is still pending.
10. The Hon'ble Special Bench in *Sabita Roy (supra)* observed as follows:

“18. We have no hesitation in mind to hold that the unaltered or unaffected Memoranda as above clearly demonstrate in unequivocal terms that a teaching and non-teaching staff who retired prior to 1st April, 1981 or after 1st April, 1981 was entitled to get the pensionary benefits in terms of the DCRB Scheme, 1981. On the demise of such staff, their widows are entitled to get family pension in terms of the modified provision of the scheme 1981 vide memorandum dated 01.11.2010. The unmarried or widowed or divorced daughter of an employee who retired prior to 01.04.1981 or after 01.04.1981 is entitled to get family pension on fulfilment of the requirements as per the mechanism introduced vide Memorandum no. 96-SE dated 13.04.2010. In such legal scenario, we do not concur with the decision rendered in Bela Rani Acharya and Abida Khatun Sk. that an unmarried daughter is not entitled to get family pension till her life ends on the demise of her parent who either received pension or family pension. Though in the decision in MAT 119 of 2014 (Kumari Reba Ghosh-Vs-The State of West Bengal), the Division Bench had ruled that unmarried daughter of a pensioner would be entitled to get family pension, but this Bench neither referred to nor interpreted the relevant memoranda relating to extension of family pension to an unmarried/widowed/divorced daughter. That being the position, we though concur with the final decision, but we respectfully disagree with the observations as recorded therein. From the memoranda as above it is clearly explicit that the legislative intent was to extend the benefits of family pension to unmarried / widowed / divorced daughter of an employee who retired before or after 01.04.1981 or to unmarried / widowed / divorced daughter of a family pensioner. In such premise, the memorandum dated 1st November, 2010 should not stand in the way of extending such benefits in the absence of any express provision therein restricting or affecting the benefits. Socio-economic justice stemming from the Page | 13 2023:CHC-AS:32300-FB concept of social morality, if pressed into service, the memoranda granting social security of livelihood to the aforesaid classes of women by providing family pension should be construed liberally. Some isolated terms in the memorandum dated 01.11.2010 providing pension to living employees or their widows, in our view, cannot restrict the beneficial provisions contained in the memoranda as above.”

11. Bearing in mind the above observation, respondent no. 2, the Director of Pension, Provident Fund & Group Insurance, Finance Department, W.B. is directed to consider the representation of the petitioner dated 8th July, 2025 as expeditiously as possible preferably within a period of eight weeks from the date of communication of this order. In the event, the petitioner is entitled to family pension, the authority concerned shall issue pension payment order in favour of the petitioner and also release the arrear, if any, in accordance with law.
12. With the above directions, **WPA 22465 of 2025** stands disposed of.
13. Since no affidavits have been called for, the allegations made in the writ petition are deemed to be not admitted.
14. Consequently, connected applications, if any, also stand disposed of.
15. Interim orders, if any, stand vacated.
16. There will be no order as to costs.
17. Urgent certified photostat copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Bivas Pattanayak, J.)