

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 25275 of 2025

Minakshi Roy Chowdhury
-versus
The State of West Bengal & Ors.

Mr. Subhrangsu Panda
Ms. Haritri Roy
Mr. Anupam Singha
...For the Petitioner

Mr. Chandana Ghosh
...For the State

1. Affidavit-of-service filed in Court today is taken on record.

2. The petitioner claims to be a divorced daughter of a teacher who was in service of the school and died on 5th August, 1978. The petitioner prays for grant of family pension in her favour.

3. Whether the divorced daughters of the employees who expired prior to 1981 would be eligible for receiving family pension has been decided by the Special Bench of this Court vide judgment dated 20th June, 2023 in MAT 1518 of 2019 with CAN 2 of 2019 (Old No. CAN 10437 of 2019) (The State of West Bengal & Ors. v. Sabita Roy). The aforesaid judgment was upheld by the Hon'ble Supreme Court on 12th

December, 2024 in Special Leave Petition (Civil) Diary No(s). 30809 of 2024 (The State of West Bengal & Ors. v. Sabita Roy & Ors.).

4. The Special Bench of this Court categorically held that the benefit of family pension can be extended to the divorced daughter of an employee, who retired before 1st April, 1981.

5. In the instant case, the mother of the petitioner expired prior to 1st April, 1981. In view of the above, the benefit of family pension in terms of the Death-cum-Retirement Benefit Scheme, 1981 ought to be made applicable in the case of the petitioner.

6. The instant writ petition stands disposed of by directing the District Inspector of Schools (SE), South 24-Parganas, to take steps for grant of family pension to the petitioner strictly in line with the judgment referred to above at the earliest, but positively within a period of four months from the date of communication of this order.

7. All necessary steps shall be taken so that the petitioner receives the family pension within the time limit mentioned hereinabove.

8. The family pension shall be payable to the petitioner on and from the date of decree of divorce, being 6th April, 2018 passed by the learned District

Judge, South 24-Parganas, in Matrimonial Suit No.1627 of 2017.

9. The writ petition stands disposed of.

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

(Amrita Sinha, J.)