

Form No. J.(2)
Item No. DL/3
ARPAN - AR (CT)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
(Appellate Side)

W.P.A. NO. 25844 OF 2025

SMT. ANUJA HALDAR

Vs.

THE UNION OF INDIA & OTHERS

BEFORE: THE HON'BLE JUSTICE SAUGATA BHATTACHARYYA

For the Petitioner : Mr. Debasis Kar, Adv.
Ms. Paramita Mukherjee, Adv.
Mr. Arka Tilak Bhadra, Adv.
Mr. Hussain Mustafi, Adv.

For the Union of India : Ms. Manasi Mukherjee, Adv.
Mr. Guddu Singh, Adv.

Hearing concluded on : 08.12.2025

Judgment On : 08.12.2025

SAUGATA BHATTACHARYYA, J.:

1. Matter is heard in presence of the learned advocates representing the petitioner and respondent authorities.
2. Father of the petitioner retired on superannuation on 31st August, 1984 and he was receiving pension in connection with his service under the

concerned respondent authority. Thereafter, Father died on 21st September, 2012. After death of father, mother was receiving family pension till her death on 24th August, 2023. Petitioner after death of her mother applied for family pension on 11th January, 2024, being widowed daughter.

3. Application of the petitioner was turned down by the Senior Accounts Officer (P), Eastern Commands, Engineers' Branch being respondent no.2 *vide* order dated 7th April, 2025 and said order dated 7th April, 2025 is questioned by presenting this writ petition.
4. Learned advocate representing the respondent authorities have opposed the prayer of the petitioner based on impugned order dated 7th April, 2025 issued by the respondent no.2. It is submitted since petitioner's elder sister is there, petitioner is not entitled to receive family pension. It is further submitted 'No Objection' of elder sister of the petitioner is also not submitted before the concerned respondent authority.
5. It is submitted on behalf of the petitioner that petitioner's elder sister namely, Tanuja Dey is already receiving family pension due to death of her husband and placing reliance on a document dated 5th June, 2025 at page 23 of the writ petition it is submitted that gross family pension of elder sister of the petitioner is Rs.14,059/- per month with effect from February, 2025. According to the petitioner, her elder sister is not eligible to receive family pension in connection with service of her

father. Therefore, right accrues in favour of the petitioner to receive family pension.

6. From the submissions made on behalf of the parties, it appears that deceased employee has two daughters; petitioner is the younger daughter whereas Smt. Tanuja Dey being the elder daughter has the first claim to receive family pension since she has also lost her husband. But it is found from a document dated 5th June, 2025 at page 23 of the writ petition that elder daughter is already receiving family pension at the rate of Rs.14,059/- per month in connection with service of her late husband from February, 2025. Therefore, as the income of the elder daughter is more than Rs.9,000/- per month, she is not found to be eligible to receive family pension being widowed daughter in connection with service of her father.
7. Petitioner is the younger daughter, who has also lost her husband. Due to ineligibility of the elder daughter to receive family pension as she is receiving family pension in connection with service of her late husband, right accrues in favour of the petitioner to receive family pension on compliance of necessary formalities.
8. Petitioner is directed to submit family pension statement showing the amount being paid to her elder sister per month towards family pension in connection with service of her late husband along with 'No Objection' certificate of the said elder sister by fortnight from date before the respondent no.2.

9. After receipt of aforesaid two documents, if respondent no.2 finds that elder sister of the petitioner is receiving total pension of Rs.9,000/- or above per month, in that event immediate steps shall be taken to release family pension in favour of the petitioner in connection with service of her father by three (3) weeks thereafter.
10. On fulfilment of aforesaid conditions, concerned respondent authorities are directed to release family pension in favour of the petitioner at an early date but not later than six (6) weeks from the date of communication of this order.
11. Impugned order dated 7th April, 2025 of the respondent no.2 is set aside.
12. With the above directions writ petition stands disposed of.
13. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(SAUGATA BHATTACHARYYA, J.)