

17.11.2025  
Court No.25  
DL/Item No.-21  
[Milan]

**WPA 28175 of 2024**

**Kumari Parul Bala Das  
versus  
The Union of India & Ors.**

Mr. Anil Kumar Chatterjee,  
Mr. Uttam Kumar Bhattacharya

....for the Petitioner

Mr. Asok Kumar Chakrabarti, Ld. A.S.G,  
Mr. Sukumar Bhattacharyya,  
Mr. Anjan Sengupta,  
Mr. Tapan Bhanja

....for the Union of India

Mr. Nilotpal Chatterjee,  
Ms. Kunmun Ganguly

....for the State/Respondent Nos.4 to 6

The petitioner has prayed for a direction upon the respondents for consideration of the case of the petitioner for grant of family pension as unmarried daughter of the deceased pensioner.

The father of the petitioner was the pensioner and the father of the petitioner died on 20<sup>th</sup> September, 2016 leaving behind all together seven legal heirs that is three daughters and four sons, the wife of the pensioner was pre-deceased to the pensioner. The petitioner is the only unmarried daughter.

The learned Counsel for the petitioner submits that though the father of the petitioner died in the year 2016 but the petitioner has made an application before the concerned authorities only on 17<sup>th</sup> August, 2024 as after the death of the father, the petitioner has applied legal heir certificate before the concerned authority but the petitioner has been provided the legal heir certificate by the concerned authority only on 5<sup>th</sup> March, 2024.

On receipt of the legal heir certificate, the petitioner has made a representation for release of the pension in favour of the petitioner as unmarried daughter. The petitioner submits that on receipt of the application submitted by the petitioner, the Government of West Bengal, Ministry of Home and Hill Affairs has forwarded the request of the petitioner to the Ministry of Home Affairs Freedom Fighters Division for consideration and taking appropriate steps by way of communication dated 30<sup>th</sup> August, 2024, but till date the authorities have not considered the request of the petitioner. Accordingly, the petitioner filed the present writ petition.

The learned A.S.G. appearing on behalf of the Union of India and the respondent no.2 submits that the writ petition filed by the petitioner is barred by limitation as the father died in the 2016 and the petitioner has filed the present writ application for consideration of the case of the petitioner in the year

2025. The learned A.S.G. further submits that the petitioner has to submit the application in the proper format but the petitioner has not submitted the said application in the proper format. Thus, the application is liable to be dismissed.

Heard the learned counsel for the respective parties and perused the documents available on record. Admittedly, the father of the petitioner was the pension holder and he died in the year 2016 but the petitioner has filed the application before the concerned authority in the year 2024 for grant of family pension being the unmarried daughter of the pensioner.

The Government of West Bengal, Ministry of Home and Hill Affairs Department, on receipt of the application, has forwarded the same to the Ministry of Home Affairs Freedom Fighter Division for consideration and the same is pending before the concerned authority.

In view of the above, this Court, without going into the merit of the case, whether the petitioner is entitled to get the family pension or not, disposed of the writ petition by directing the Under Secretary to the Government of India, Ministry of Home Affairs, Freedom Fighter Division to consider the representation of the petitioner, which was forwarded by the Assistant Secretary to the Government of West Bengal, Ministry of Home Affairs Department dated 30<sup>th</sup> August, 2024 within a period of eight weeks from the date of receipt of

this order and to pass a reasoned and speaking order and to communicate the same to the petitioner within a period of two weeks thereafter.

It is made clear that this Court has not gone into the merit of this matter, all the points are kept open to the authority to decide the matter on merit.

The respondents have not filed any affidavit-in-opposition and the petition is disposed of at the stage of motion, all allegations made in the application are deemed to have been denied.

Accordingly, the writ petition being WPA 28175 of 2024 is disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

**(Krishna Rao, J.)**