

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI
APPELLATE SIDE**

**30.01.2025
Sl. No.15
Crt.02
b.r.**

W.P.A. 276 of 2025

**Jyotsna Basunia
Vs.
The State of West Bengal & Ors.**

**Mr. Deborshi Dhar
.... for the petitioner.**

**Mr. Hirak Barman
Mr. Sandip Guha Roy
.... for the State.**

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

Mr. Deborshi Dhar, learned advocate, appears for the petitioner.

Mr. Hirak Barman, learned State advocate with Mr. Sandip Guha Roy, learned State advocate appear for State-respondents.

Referring to an order dated **December 5, 2022** passed by a Co-ordinate Bench in the previous writ petition at **page-32** to the writ petition, the learned advocate for the petitioner submits that despite there being a direction of the Co-ordinate Bench, the jurisdictional District Inspector-respondent no.5 has

failed to consider the claim of the petitioner for family pension on account of her deceased husband, who was an **Assistant Teacher**.

Learned State counsel on instruction submits that despite repeated requests to the school authority, the school failed to produce the relevant records and as such the respondent no.5 was unable to take any decision.

In view of the above, the petitioner shall serve a copy of this writ petition along with a copy of today's order upon the respondent no.6 forthwith.

The respondent no.6 upon receiving the copy of today's order shall immediately transmit all the relevant records and documents positively within a period of **two weeks** from the date of receiving today's order. The petitioner shall also serve a copy of today's order upon the respondent no.5.

In the event, the respondent no.6 fails to produce the relevant records before the respondent no.5 within the time frame mentioned above, then the respondent no.5 shall immediately take charge of the relevant records from the custody of the respondent no.6 and if necessary with the assistance of the local police authority.

The respondent no.5 then upon issuing a prior hearing notice of at least **seven days** to the petitioner

and the respondent no.6 and after granting them an opportunity of hearing shall decide the issue by passing a reasoned order in accordance with law.

In the event, the petitioner succeeds to her claim before the respondent no.5 in accordance with law then the reasoned order shall be transmitted to the respondent no.4 by the respondent no.5 positively within a period of **two weeks** from the date of the said reasoned order to be passed.

The respondent no.,4 then shall issue the necessary Pension Payment Order (PPO) in favour of the petitioner positively within a period of **two weeks** from the date of receiving the said reasoned order from the respondent no.5.

The respondent no.4 then shall transmit the PPO to the jurisdictional Treasury Officer positively within **two weeks** from the date of issuing the said PPO.

The jurisdictional Treasury Officer then shall immediately release the family pension to the petitioner payable in accordance with law. The Treasury Officer shall also calculate the arrear family pension payable to the petitioner in accordance with law since the date of death of the deceased husband of the petitioner along with interest at the rate of **6**

per cent per annum till the date of actual tendering of amount to the petitioner.

The entire exercise shall be carried out and completed by the jurisdictional Treasury Officer positively within a period of **four weeks** from the date of receiving the PPO from the respondent no.4. Thereafter, the family pension shall be paid to the petitioner regularly without any interruption in accordance with law.

It is made clear that this order shall not create any right or equity in favour of the petitioner, if the petitioner is not eligible to receive the family pension strictly in accordance with law.

Since affidavits are not called for, the allegations made in the writ petition are deemed not to have been admitted by the respondents.

With the above observations and directions, this writ petition, **WPA 276 of 2025** stands **disposed of**, without any order as to costs.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisites formalities.

(Aniruddha Roy, J.)