

Sl. No.36
18.02.2025
Suman
Ct. 02

Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Side

WPA 401 of 2024

Shikha Basak
Vs.
The State of West Bengal and Ors.

Mr. Ekramul Bari
Mr. Sk. Intiaj Uddin
Ms. R. Chakraborty
..for the petitioner

Mr. Momenur Rahman
Mr. Pretom Das
..for the State

The petitioner claims to be the unmarried daughter of Niranjana Kumar Basak who was an employee of Junior Technical School, Kaliaganj, a Government sponsored institute, under the Technical Education and Training Department of the State. He retired in the year 2000 and passed away on February 15, 2018.

It is undisputed that the petitioner's father was receiving a family pension at the time of his death. After the demise of her father, the petitioner applied for a family pension; however, her request was not considered.

The State contends that, as per Government Order No. 620-F (Pen) dated June 29, 2006, and Government Order No. 138-F (Pen) dated March 3, 2008, issued by

the Finance Department of the State, the benefit of family pension has been extended to the widowed, divorced, and unmarried daughters of State Government employees. This benefit has not been extended to employees of Government-sponsored institutes. The School Education Department, however, has extended the benefit of family pension to the divorced/widowed/unmarried daughter of teaching and non-teaching staff of Government sponsored schools following the said order of Finance Department.

No order has been issued by the Technical Education and Training Department, presently known as the Technical Education, Training, and Skill Development Department, in this regard. Consequently, the petitioner is not eligible for a family pension under the existing rules. The report, however, indicates that the Technical Education, Training, and Skill Development Department has approached the Finance Department (Pension Branch) for the formulation of a policy concerning the grant of family pensions to the widowed, divorced, and unmarried daughters of deceased employees of erstwhile Government-sponsored Junior Technical Schools.

In view of the above, there is no scope for intervention at this stage.

Accordingly, this writ petition is disposed of with a direction upon the Additional Chief Secretary, Finance

Department, West Bengal, to take a decision in accordance with law on the matter following the communications made by the Technical Education, Training, and Skill Development Department regarding the grant of family pensions to the widowed, divorced, and unmarried daughters. Such a decision shall be made as expeditiously as possible, preferably within three months from the date of communication of this order.

Based on the decision taken by the Finance Department of the State, the petitioner shall be at liberty to submit a fresh application for a family pension before the appropriate authority.

Accordingly, **WPA 401 of 2024** is disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the learned advocates for the parties on usual undertakings.

(Kausik Chanda, J.)