

Court No. 2
(1490)

Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Side

04.04.2025
(JPD 6)

WPA 635 of 2025

(S. Banerjee)

Chaina Saha @ Chayna
Vs.
The State of West Bengal & Ors.

Mr. Debajit Kundu

... for the petitioner

Mr. Subir Kumar Saha
Mr. Bikash Singha

... for the State

Let the affidavit of service filed in court today
be kept with the record.

The petitioner claims to be a disabled
unmarried daughter of one Jatindra Mohan Saha,
an Assistant Teacher, who died on September 26,
2021. The said Jatindra Mohan Saha was a pension
holder. Upon the death of the said Jatindra Mohan
Saha, the petitioner herein submitted an application
before the District Inspector of School (PE), District
Primary School Council, Alipurduar praying for
sanction of pension in her favour.

The learned advocate appearing for the
petitioner places reliance upon a decision of the
coordinate Bench in WPA 17577 of 2023 in the case

of Jyoti Prasad Chatterjee –Vs.- State of West Bengal & Ors., order passed on April 30, 2024 wherein the coordinate Bench after noticing the decision of the Hon'ble Special Bench in the case of State of West Bengal & Ors. –Vs.- Sabita Roy observed that since the benefit of family pension has been extended to the unmarried daughter/widowed daughter of the concerned employee, who superannuated or had died before the DCRB DCRB Scheme, 1981 came into force, there is no plausible ground to deny the extension of the said benefit to a disabled child of a concerned employee.

Since a representation has been submitted by the petitioner, the concerned respondent authority is duty bound to take a decision on such representation in accordance with law.

Without entering into the merits of the claim made by the petitioner, WPA 635 of 2025 is disposed of by directing the District Inspector of Schools (PE), Alipurduar, being the 4th respondent herein, to consider the representation of the petitioner dated March 4, 2025 and to dispose of the same by passing a reasoned order after giving an opportunity of hearing to the petitioner or her authorized representative and communicate such reasoned order to the petitioner immediately

thereafter. The entire exercise shall be completed as expeditiously as possible but positively within a period of four weeks from the date of receipt of a server copy of this order along with a copy of the representation dated March 4, 2025.

It is, however, made clear that it will be open to the petitioner to place reliance upon any notification, Court orders in support of her claim for grant of family pension.

With the above observations and directions the writ petition stands disposed of without, however, any order as to costs.

(Hiranmay Bhattacharyya, J.)