

11.03.2026

Ct. No. 18

Sl. No. 14
akd

In the High Court at Calcutta

Constitutional Writ Jurisdiction

W. P. A. 2780 of 2026

[Sri Dilip Moitra -Vs- Shyama Prasad Mookerjee Port & Anr.]

Mr. Bratin Kumar Dey

Ms. Anjana Banerjee

... ... for the petitioner

Mr. Ashok Kumar Jena

... ... for the respondents

1. Affidavit-of-service filed in Court today is taken on record.
2. The petitioner is aggrieved by the rejection of his prayer for grant of family pension on account of his physical disability. The impugned rejection order dated 06.05.2024 mentions that as per the provisions of SMP, Kolkata Pension Regulation, 1988, there is no guideline for payment of family pension to the disabled/handicapped children whose name was never declared by the ex-employee during his lifetime or service tenure.
3. Learned advocate representing the Port authority relies upon the Regulation for payment of family pension which clearly mentions that only the disability which manifests itself before the retirement or death of the employee while in service shall be taken into account for the purpose of grant of family pension.
4. The father of the petitioner was an employee of the Port. He expired on 18.12.2018. After his death, his widow received family pension. The widow expired on 13.01.2022. The

petitioner has relied upon a disability certificate dated 16.10.2023 mentioning that he is suffering from mental illness to the extent of 50% and he prays for family pension relying on such disability certificate.

5. Admittedly, in the instant case, the petitioner relies upon a certificate which has been issued long after the death of the employee. The declaration of the employee in his service record clearly mentions that none of his heirs and legal representatives suffers from any type of disability.

6. The ground rejecting the petitioner's prayer appears to be in conformity with the service regulation of the employee.

7. In view of the aforesaid facts and circumstances, the prayer of the petitioner for grant of family pension cannot be allowed being devoid of any supporting rules/ regulations.

8. The writ petition fails and is hereby dismissed.

9. All parties shall act on a server copy of this order duly downloaded from the official *website* of this Court.

10. Certified copy of this order, if applied for, shall be made available to the parties.

(Amrita Sinha, J.)