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(DO)

**In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

WPA/5408/2025

HARADHAN PAL
VS.
THE STATE OF WEST BENGAL & ORS.

Mr. Subhrangsu Panda, Advocate
Ms. Haritri Roy, Advocate
Mr. Rahul Ghosal, Advocate
Mr. Rohit Adhikary, Advocate
Ms. Sampurna Chowdhury, Advocate
Mr. Anupam Singh, Advocate

.....for the Petitioner

Mr. Pritam Choudhury, Advocate

.....for the State

1. The petitioner is a mentally challenged person who had applied for family pension after the death of his father. The claim for the family pension by the petitioner was rejected on 19.04.2024 by respondent no. 6. It is this rejection by respondent no. 6, which is under challenge in this writ-petition.
2. Pursuant to direction of the Court, a report had been filed by the State respondents, which was refurbished, and a fresh report has been filed today, which is kept on record.
3. The crux of the refusal by the respondent no. 6 to the petitioner's entitlement was that the petitioner had an annual income of ₹50,000/-; on account whereof, he was not entitled to the family pension, which had been received by his mother till her death upon retirement of the father sometime in 2001.
4. The second report dated 18.03.2026, filed by the State respondents, is clear and unequivocal, inasmuch as the petitioner receives a sum of ₹30,000/- not on account of personal income, but merely as a part of his proportionate share from the family usufructs payable to them.

5. Presently, therefore, there is no impediment to the entitlement of the petitioner to receive such family pension.
6. In view of the afore-stated, the finding of the respondent no. 6 and consequential rejection of the petitioner's claim for pension on 19.04.2024 is set aside.
7. The respondent no. 6 is directed to reconsider and make the necessary payment to the petitioner on account of family pension by 31.05.2026.
8. In the event, the requisite documents are not found in the office of respondent no. 6, the respondent no. 7, is directed to furnish all requisites to enable respondent no. 6 to take the necessary steps to disburse the amounts payable to the petitioner on account of the family pension.
9. With the afore-stated directions, **WPA/5408/2025** is **disposed of**. There shall, however, be no order as to costs.

(Reetobroto Kumar Mitra, J.)