

S/L 15
02.07.2026
Court. No. 25
suvayan

WPA 11212 of 2026

Benu Bag
Vs.
Union of India & Ors.

Mr. Kallol Kr. Basu
Mr. Sabyasachi Mondal
Mrs. Suvasree Ghose
Mr. Sarthak Dey
Mr. Atreya Chakraborty
Ms. Payel Khanra

...for the petitioner.

Mr. Arijit Majumdar
Ms. Oindrila Chatterjee
Ms. Shreyashi Sarkar

...for U.O.I.

Mr. Sourav Mandal

...for the respondent no. 6.

Mr. Subrata Kumar Sinha

...for the respondent nos. 7 & 8.

1. The affidavit-of-service filed by the petitioner be kept with the record.
2. The petitioner has filed the present writ application praying for a direction upon the respondent authorities particularly the respondent no. 3 to restore the Swatantrata Sainik Samman Family Pension to the petitioner being the unmarried daughter as per the provision of the scheme and other circulars issued by the Government of India from time to time.
3. The father of the petitioner was the freedom fighter and was granted freedom fighters' pension. The father of the petitioner was died on June 10, 1989. After the death of the father of the petitioner, the family pension was allowed in favour of the mother of the petitioner. The

mother of the petitioner was died on December 29, 1995.

After the death of the mother the freedom fighters' pension was granted to the petitioner.

4. In the meantime, on November 1, 1999 the petitioner has joined as Assistant Teacher in the State of West Bengal and after joining in service the petitioner has not taken the benefit of the freedom fighters' pension. On June 30, 2007 the petitioner retired from the service without any pensionary benefit as she was not qualified for the pensionary benefit. At time of retirement of service, the petitioner has got only Rs. 14,570/- and the petitioner is not getting any family pension from the Government of West Bengal as she retired from the post of Assistant Teacher as she has not qualified the service for getting family pension.
5. The petitioner has made a request to the authority for restoration of the freedom fighters' pension. The authorities failed to consider the request of the petitioner and accordingly, the petitioner has filed the writ application before this Court being WP 6420 (W) of 2009.
6. By an order dated September 10, 2009, this Court disposed of the said writ application by directing the respondent authorities to consider the representation of the petitioner for the dependent's pension and it is also clarified that in the event the respondent authorities was of the opinion that the petitioner is not entitled to the pension, due reasons in support of such opinion should be furnished to the petitioner within a period of eight

weeks from the date of service of an authenticated copy of this order. The order was duly communicated to the authorities but the authorities neither restore the freedom fighters' pension nor rejected the request of the petitioner. The petitioner continued making representation to the authorities but the authorities failed to consider the request of the petitioner.

7. After receipt of the legal notice of the petitioner, the office of the Pay and Accounts Office (Pension & Misc.), Ministry of Home Affairs, Government of India by a letter dated April 29, 2026 requested the Under Secretary (EZ), FFR Division, 2nd Floor, Ministry of Home Affairs for consideration of the request of the petitioner and for taking appropriate steps.
8. This Court finds that only the grievance of the petitioner before this Court in the present writ application is that in spite of the direction passed by this Court on September 10, 2009 and several representations made by the petitioner, the authorities have not considered the request of the petitioner for revival of the freedom fighters' pension till date.
9. Considering the above, this Court finds that no purpose would be served by keeping the writ petition pending.
10. Accordingly, the writ petition is disposed of by directing the respondent no. 3 to consider the representation of the petitioner by taking into consideration of the order passed by this Court dated September 10, 2009 and the scheme and the circular issued by the Government of India from time to time and to pass a reasoned and

speaking order within a period of eight weeks from the date of receipt of this order.

11. It is made clear that this Court has not gone into the merit and all the issues kept open to decide by the competent authority at time of taking decision by the authorities for revival of the freedom fighters' pension in favour of the petitioner as per the request made by the petitioner.
12. WPA 11212 of 2026 is disposed of.
13. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Krishna Rao, J.)