

24.02.2026

Sl.No. 11
Ct.No. 652
Amalranjan

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 13365 of 2025

Manju Banerjee
Vs.
The State of West Bengal and ors.

Mr. Sourav Mitra
Ms. Sreyasree Choudhury
...for the petitioner

1. None appears for the State respondents.
2. Mr. Sourav Mitra, learned advocate appears for the petitioner. He submits that the petitioner is aggrieved with the order of the District Inspector of Schools (S.E.), Birbhum dated December 20, 2024, thereby dismissing the petitioner's prayer for grant of family pension, on the ground of retirement of her deceased father prior to the date of April 1, 1981, i.e., on November 30, 1979.
3. According to Mr. Mitra, the law in this regard is now absolutely settled by dint of the judgment of the Hon'ble Larger Bench of this Court dated June 20, 2023 in MAT 1518 of 2019 with CAN 2/2019 (Old CAN 10437/2019) (The State of West Bengal and Others Vs. Sabita Roy) that, irrespective of the employee having retired/died prior to or after the date of April 1,

1981, his/her family members including the widowed/unmarried daughter of the said employee should be entitled to the pensionary benefits in terms of the West Bengal recognized Non-Government Educational Institution Employees (Death-cum-Retirement Benefit) Scheme, 1981 (for short DCRB Scheme, 1981).

4. Mr. Mitra has also stated that vide an order dated December 12, 2024, the Hon'ble Supreme Court has upheld the order of the Hon'ble Larger Bench of this Court as above, by dismissing the Special Leave Petition.

5. Hence, the said order of the Hon'ble Larger Bench assumed finality which has to be duly complied by the respondent authority, Mr. Mitra says.

6. In such view of the fact, according to him the finding of the District Inspector of School (S.E.) Birbhum in the order dated December 20, 2024 is illegal and perverse.

7. None appears for the State respondents, in spite of service of notice. In view of the settled position of law as above, it is found proper to take up the instant case for adjudication today, in absence of the respondents.

8. In view of the judgment of the Hon'ble Larger Bench of this Court as mentioned above

and the order of the Hon'ble Supreme Court in Special Leave Petition (Civil) Diary No.(s). 30809/2024 dated 12.12.2024 there remains no scope of any doubt that the Courts have settled the law in respect of grant of pensionary benefits to the family members of the retired/deceased employee including the unmarried/widowed daughter of him. The law is now well settled that he/she shall be entitled to the pensionary benefits in accordance with the DCRB Scheme, 1981 irrespective of the employee having retired /died before or after April 1, 1981.

9. Father of the petitioner had died on November 30, 1979. The DCRB Scheme, 1981 applies retrospectively, since it has been specifically provided for the same. This proposition has been settled in the Hon'ble Larger Bench's judgment of this Court dated June 20, 2023 in MAT 1518 of 2019 with CAN 2/2019 (Old CAN 10437/2019) (The State of West Bengal and Others Vs. Sabita Roy), as mentioned above. After dismissal of SLP by the Hon'ble Supreme Court to challenge the said judgment, the law settled therein has now become final and binding.

10. The submission on behalf of the petitioner is therefore, absolutely apt and

accepted that in the impugned order dated December 20, 2024, the said respondent authority has acted without consideration of the settled law as above, rendering the said order as illegal.

11. Hence, the impugned order dated December 20, 2024 is liable to be set aside.

12. On the discussion as made above, the Court thinks it fit and proper to dispose of the instant writ petition by directing as follows:

- a. The impugned order dated December 20, 2024 of the District Inspector of Schools (S.E.), Birbhum is set aside;
- b. The respondent no. 3 shall issue necessary order immediately to accord pensionary benefits in favour of the present petitioner/widowed daughter of the deceased employee;
- c. The respondent no. 4 is directed to issue Pension Payment Order in terms of the order of the respondent no. 3 as above;
- d. The exercise in terms of directions (b) and (c) should be completed within a period of 4 weeks from the

date of communication of this order;

- e. The arrear amount, if any, should be disbursed to the present petitioner within a period of 3 months from the date of communication of this order.

13. With the above observations and directions, the writ petition being **WPA 13365/2025** is disposed of.

14. All parties shall act in terms of the server copy of this order duly downloaded from the official website of this court.

15. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties taking all legal formalities.

(Rai Chattopadhyay, J.)