

09-04-2026
Item No.4
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction

Appellate Side

WPA No.21361 of 2025

Mukti Sarkar

-vs-

Damodar Valley Corporation & Ors.

Mr. Purnasish Gupta
Mr. Mukul Kumar Mitra
Mr. Jayanta Kr Mukhopadhyay ...for the petitioner

Mr. Prasun Mukherjee
Mr. Deepak Agarwal ...for DVC

1. The petitioner claims to be the unmarried daughter of a deceased employee of Damodar Valley Corporation. She claims family pension. She has an elder sister who is a widow. The authority has granted pension in favour of her elder sister instead of her. Being aggrieved the petitioner has approached this Court.
2. It has been submitted that as the elder sister is married, she will not be eligible for family pension.
3. Prayer has been made to direct the concerned authority to grant family pension in favour of the petitioner.
4. Learned counsel representing Damodar Valley Corporation opposes the claim of the petitioner. Provisions of the Central Civil Services (Pension) Rules, 1972 have been relied upon.
5. Rule 6 of the said Rules prescribes the period for which the family pension is payable. It stipulates that in case of an unmarried or widowed or divorced daughter, until she gets married or re-

married or until she starts earning her livelihood, whichever is earlier, the family pension will be payable in her favour.

6. Rule 9 of the said Rules lays down that where a deceased Government servant or pensioner leaves behind more than one child, the eldest eligible child shall be entitled to family pension for the period mentioned in clause (iii) of sub-rule (6), as the case may be, and after the expiry of that period, the next child shall become eligible for the grant of family pension.
7. In the instant case, the deceased employee left behind two daughters. The first one was married and the second, the petitioner herein, is an unmarried one. The first daughter thereafter became a widow; and on being widowed, she became eligible to receive the family pension in terms of the Rules mentioned hereinbefore.
8. Had the married elder daughter not been a widow, then the petitioner would have been eligible for receiving family pension. Such is not the case here.
9. It does not appear that there has been any error on the part of the authority in granting family pension to the widowed elder daughter of the deceased employee.
10. In view of the above, the relief claimed by the petitioner for grant of family pension in her favour cannot be allowed. The petitioner will be entitled to family pension only after she becomes eligible for the same in terms of the aforesaid Rules.
11. The writ petition fails and is dismissed.
12. All parties are to act on the server copy of this order duly downloaded from the official website of this Court.

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

[Amrita Sinha, J]