

Form No. J(2)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
(Appellate Side)

W.P.A. NO 27831 OF 2025

PURNIMA JANA

VS.

THE STATE OF WEST BENGAL AND OTHERS

BEFORE: THE HON'BLE JUSTICE SAUGATA BHATTACHARYYA

For the Petitioner

:Ms. Sabita Khutia (Bhunya), Adv.
Mr. Krishna Pada Santra, Adv.

For the WBSEDCL

:Mr. Supriyo Chattopadhyay, Adv.
Ms. Debosri Chatterjee, Adv.

Hearing concluded on

: 23.02.2026

Judgment on

: 23.02.2026

SAUGATA BHATTACHARYYA, J.:

- 1) Matter is heard in presence of learned advocates representing the petitioner and West Bengal State Electricity Distribution Company Limited (for short, "WBSEDCL").
- 2) Petitioner being unmarried daughter has claimed family pension in connection with service rendered by her father in WBSEDCL.

Father of the petitioner retired in 1989 and died on 27th December, 2000. Father received pension. After death of father mother of the petitioner received family pension till 8th April, 2017 when mother died. Petitioner claims grant of family pension as in terms of income certificate dated 24th October, 2024 which is at page 30 of the writ petition her monthly income is Rs. 3000/-. It is submitted that income disclosed in previous income certificate dated 6th April, 2021 was not income of the petitioner rather it was income of family of the petitioner based on which claim of the petitioner for grant of family pension was spurned vide memo dated 29th October, 2021. It is contended that had income of the petitioner been considered in terms of the relevant scheme petitioner would have been adjudged as eligible to receive family pension. Therefore, according to the petitioner, issue needs to be reopened thereby directing the concerned authority of WBSEDCL to release family pension to the petitioner.

3) Reliance is placed on the judgment of the Hon'ble Division Bench dated 19th March, 2025 delivered on an intra-court appeal being **MAT 2380 of 2024 (Shyamali Maity Vs. The State of West Bengal & Ors.)**.

4) Mr. Supriyo Chattopadhyay, learned advocate representing WBSEDCL has opposed this writ petition on the count that issue was closed vide memo dated 29th October, 2021 taking note of the income certificate which was submitted after death of petitioner's mother on 8th April, 2017. It is contended that in terms of Regulation 19 of the

West Bengal State Electricity Board Employees' (Death-cum-Retirement Benefit) Regulations, 1985 (hereinafter referred to as "said Regulations of 1985") previously unmarried daughter was eligible for family pension if her income was less than Rs. 2,600/- per month but same was amended with effect from 7th July, 2022 thereby limit of income was enhanced from Rs. 2,600/- to Rs. 9,000/-. A copy of Office Order No. 2162 dated 7th July, 2022 is placed before this Court whereby amendment was carried out to Regulation 19(c) of said Regulations of 1985 enhancing limit of income of unmarried daughter from Rs. 2,600/- to Rs. 9,000/-.

5) It is further submitted on behalf of WBSEDCL that at the material point of time when mother of the petitioner died on 8th April, 2017 income of the petitioner was beyond the prescribed limit of Rs. 2,600/- resulting in rejection of application of the petitioner vide memo dated 29th October, 2021. Subsequently petitioner made further application on 5th February, 2025 seeking grant of family pension which was not allowed vide memo dated 30th May, 2025 as previously application of the petitioner was rejected vide memo dated 29th October, 2021.

6) According to the WBSEDCL, amendment to Regulation 19(c) which was made with effect from 7th July, 2022 does not have retrospective effect and in terms of unamended Regulation 19(c) application of the petitioner was decided vide memo dated 29th October, 2021.

7) After death of petitioner's mother based on income certificate dated 6th April, 2021 application was made by the petitioner being unmarried daughter claiming family pension but same was turned down in terms of Regulation 19(c)(ii) of said Regulations of 1985 as income of the petitioner was found to be above 2,600/-. Petitioner has submitted a copy of said income certificate dated 6th April, 2021 before this Court since same is not annexed to this writ petition, said income certificate is taken on record.

8) It is argued on behalf of the petitioner that in terms of Regulation 19(c)(ii) income of the applicant needs to be considered not the income of the family whereas in income certificate dated 6th April, 2021 income of the family of the petitioner was disclosed. However, vide subsequent income certificate dated 24th October, 2024 income of the petitioner was disclosed which was Rs. 3,000/-. It is further submitted on behalf of the petitioner that as income of the petitioner is less than Rs. 9,000/- now application of the petitioner is required to be considered afresh.

9) On perusal of both the income certificates, one dated 6th April, 2021 and another dated 24th October, 2024 it transpires that only difference is in case of previous income certificate income of the family of the petitioner was disclosed but in terms of the subsequent income certificate income of the petitioner is disclosed but the quantum of the monthly income remains unaltered. As per income certificate dated 6th April, 2021 Rs. 36,000/- was the annual income of family of the petitioner meaning thereby income of family of the

petitioner was Rs. 3,000/- per month and as per income certificate dated 24th October, 2024 monthly income of the petitioner is Rs. 3,000/-. Therefore, it can be concluded that what was the monthly income of family of the petitioner was the monthly income of the petitioner and situation does not get altered vide subsequent income certificate dated 24th October, 2024.

10) Application of the petitioner seeking family pension was considered in terms of unamended Regulation 19(c)(ii) considering date of death of mother of the petitioner i.e. on 8th April, 2017 and amendment thereby enhancing limit of the income of the applicant to Rs. 9,000/- was effected on and from 7th July, 2022 without having retrospective effect. Therefore, benefit of amendment thereby enhancing limit of income cannot be extended to the petitioner considering date of death of her mother i.e. on 8th April, 2017 and first application of the petitioner seeking family pension was decided on 29th October, 2021 which was also prior to aforesaid amendment.

11) Moreover, petitioner accepted rejection of her application seeking grant of family pension vide memo dated 29th October, 2021 without raising any demur. Precisely more than three years thereafter an application was made on 5th February, 2025 again seeking grant of family pension which concerned authority of WBSEDCL had to reject in view of previous rejection by memo dated 29th October, 2021 as the issue was put to quietus vide said memo and there is no contemporaneous challenge against memo dated 29th October, 2021.

12) Ratio of **Shyamali Maity** (supra) does not come in aid of the petitioner since in that case Hon'ble Division Bench considered two separate income certificates, one in respect of the appellant and another in respect of family of the appellant. But, in the instant case, though there are two income certificates but those certificates indicate same income i.e. Rs. 3,000/- per month; first certificate disclosed Rs. 36,000/- as yearly income of family of the petitioner and second certificate disclosed Rs. 3,000/- as monthly income of the petitioner. Hence, there is no difference of quantum of income in between two separate certificates which are available before this Court. Moreover, in **Shyamali Maity** (supra) vide memo dated 16th April, 2015 Joint Director of Account (SE), Purba Medinipur disclosed income of the appellant as less than Rs. 3,500/- but in the instant case there is no such income certificate issued by the authority concerned.

13) In aforesaid conspectus, no relief can be granted to the petitioner.

14) Writ petition stands dismissed.

15) There shall be, however, no order as to costs.

16) Urgent photostat certified copy of this judgment and order, if applied for, be given to the parties on usual undertaking.

(Saugata Bhattacharyya, J.)