

05.05.2026
Sl. No.109
Ct. No.14
ss

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

WPA 28412 of 2025

**Soma Mukherjee
Vs.
State of West Bengal & ors.**

Mr. Kishore Mukherjee

...for the Petitioner.

Ms. Kakali Pal

...for the State.

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. By the present writ petition, the petitioner seeks direction upon the respondent authorities, particularly respondent no.4, the District Inspector of Schools (Primary Education), Birbhum to resubmit the pension papers of the petitioner before the respondent no.2, the Director, Directorate of Pension, Provident Fund and Group Insurance, Government of West Bengal for sanctioning of the same.
3. The petitioner contends that her father, late Animesh Mukhopadhyay was appointed as an Assistant Teacher of Rudranagar Primary School-I under District Primary School Council, Birbhum. The father of the petitioner retired from service on superannuation on 1st June, 1996 and expired on 10th February, 2007 leaving behind his wife, Bani Mukherjee, one son and two daughters including the petitioner, being the unmarried daughter of the deceased employee. The mother of the petitioner

namely, Bani Mukherjee expired on 11th April, 2021. Upon demise of the mother, the petitioner submitted an application before the concerned District Inspector of Schools, Primary Education for grant of family pension, which was forwarded to the Director, Directorate of Pension, Provident Fund and Group Insurance, respondent no.2 on 4th August, 2023. On 18th December, 2023 the pension case of the petitioner was returned with following audit observation :

“1) The incumbent is in receipt of benefit of Lakhmi Bhandar and Krishak Bandhu and the income limit is also beyond the prescribed limit as per G.O.96-SE(B) dated 13.04.10.

2) The eligibility to receive Family Pension to be vetted from Education Department. That whether benefit holder of Lakhmi Bhandar, Krishak Bandhu and any other scheme of Central/State Govt. will be eligible to get family pension under the category of widow/unmarried/divorce daughter or not.”

4. Being aggrieved by such action of the respondent authorities the petitioner has preferred the present writ petition.
5. Mr. Kishore Mukherjee, learned Advocate for the petitioner submits that the family pension has been kept on hold only on the ground that the petitioner is receiving the benefit under the scheme of *Lakhmi Bhandar* and *Krishak Bandhu*. In order to get the benefit of family pension under DCRB Scheme, 1981 and other benefits, the income ceiling has been raised from Rs.3,500/- per month to Rs.9,000/- per month for entitlement of family pension. The income of the petitioner from the above schemes is much below ceiling limit. Therefore, the audit observation cannot stand in the way of the petitioner in

getting family pension. In support of his contention, he relies on the decision of the Coordinate Bench of this Hon'ble Court in *Chandana Kolya versus The State of West Bengal & ors. (In re: WPA 6042 of 2023)*.

6. Ms. Kakali Pal, learned Advocate appearing on behalf of the State concedes to such submission.
7. The Deputy Secretary to the Government of West Bengal, School Education Department (Secondary Branch) by a memorandum bearing No.1613-SE/S/1M-05/2023 dated 9th November, 2023 has enhanced the ceiling limit of monthly income to Rs.9,000/- for the dependents of the deceased employees/pensioners of the non-Government aided educational institutions for entitlement of family pension. The relevant portion of the said memorandum is quoted below:-

"As per Order dated 21.08.2023 in W.P.A. No.6042 of 2023 (Chandana Kolya Versus The State of West Bengal & Ors.), Finance Department has concurred vide its U.O. No.: Pension/2023-2024/0240 dated 06.11.2023 the proposal for raising the Income Ceiling of unmarried daughters only of Teachers and Non-Teaching Employees/Pensions of Non-Govt. Aided Educational Institutions, W.B. from Rs.3500/- to Rs.9000/- only per month for entitlement of family pension.

After careful consideration of the matter, the Governor has been pleased to decide that the Income Ceiling of unmarried daughters only of Teachers and Non-Teaching Employees/pensioners of Non-Govt. Aided Educational Institutions, W.B. be raised from Rs.3500/- to Rs.9000/- only per month for entitlement of family pension. This will take immediate effect from the date of issue of this order. Other terms and conditions in this regard shall remain the same."

8. Indisputably, the income of the petitioner from the aforementioned scheme is less than the ceiling limit.
9. In view of the above and in line with the decision of the Coordinate Bench of this Court passed in *Chandana Kolya (supra)*, the respondent no.4, the District Inspector

of Schools (Primary Education), Birbhum is directed to resubmit the pension case of the petitioner to the respondent no.2, the Director, Directorate of Pension, Provident Fund and Group Insurance, who shall take all consequential steps for issuance of pension payment order in favour of the petitioner within a period of eight weeks from the date of communication of this order.

10. The petitioner is directed to communicate this order to the respondent nos.2 and 4 for necessary compliance.
11. With the above direction, the writ petition being **WPA 28412 of 2025** stands disposed of.
12. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.
13. Interim order, if any, stands vacated.
14. All connected applications, if any, stand disposed of.
15. There shall be no order as to costs.
16. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
17. Urgent Photostat certified copy of the order, if applied for, be given to the parties on compliance of all necessary legal formalities.

(Bivas Pattanayak, J.)