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**In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

WPA 29207 of 2024

**MOLI CHOWDHURY & ANR.
Vs.
THE STATE OF WEST BENGAL & ORS.**

Mr. Biswarup Nandy, Advocate
Mr. Saurav Bhattacharya, Advocate

.....for the Petitioners

Mr. Pinaki Dhole, Advocate
Mr. Avishek Prasad, Advocate

.....for the State

Mr. Nilotpal Chatterjee, Advocate
Mr. Satyaki Banerjee, Advocate

.....for the University of Calcutta

Mr. Suman Banerjee, Advocate

.....for the Respondent Nos. 6 to 11

1. The petitioners are aggrieved that they have not been given family pension, to which they are entitled. The petitioners are daughters of late Debi Prasad Chowdhury, an erstwhile employee of the University.
2. The petitioner no. 2 is a specially abled person and under Rule 104A of The West Bengal Services (Death-cum-Retirement Benefit) Rules, 1971 (in short, the said Rules), she is entitled to family pension for life through a guardian, as if she was a minor.
3. The petitioner no. 1, the elder sister of the petitioner no. 2, is acting as such guardian and has filed an affidavit dated 06.02.2025 to such extent.
4. The added respondent nos. 6 to 11, are the other daughters and sons of late Debi Prasad Chowdhury and are duly represented.
5. It is their specific case that they do not wish to claim the pension and in any event, are not entitled to do so. Such affidavit is on record.
6. In view of Rule 104A of the said Rules, the petitioners will submit all requisite documents with the respondent no. 4

by 30.01.2026, who shall proceed to process the documents and grant the family pension in favour of the petitioner no. 2, through the petitioner no. 1, as a guardian without insisting on a formal guardianship certificate, as the same has now been disabled under the afore-stated Rules, since the petitioner no. 2 is not a minor or a child suffering from any disorder or disability of mind.

7. The respondent no. 4 will complete the process and ensure that the family pension from 18.11.2022 till date is released and disbursed by 15.03.2026 in favour of the petitioner no. 2.
8. It is made clear that this order is made on the undertaking of the petitioner no. 1, as it appears from her affidavit of 06.02.2025 that she will take care of the petitioner no. 2 as her guardian.
9. With these directions, **WPA 29207 of 2024 is disposed of.**
No order as to costs.
10. Parties are to act on the server copy of this order, duly downloaded from the official website of this Hon'ble Court.

(Reetobroto Kumar Mitra, J.)

