

18.03.2026
Sl. No.11
tkm

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

W. P. A. 401 of 2026

[Subhasree Roy -Vs- State of West Bengal & Ors.]

Mr. Bikramaditya ghosh
Ms. Ved Rai
Mr. Mayank Bhandari
Mr. Vivek Saha
Mr. B Bandopadhyay
... .. for the petitioner

Mr. Sumit Kumnar
Ms. Rima Sarkar
... for the State

1. The affidavit of service is taken on record.
2. The petitioner has preferred the present petition being aggrieved by the inaction on the part of the respondent authority in not granting pension and other retiral benefits in respect of her deceased father who had retired as Secretary, Paharpur Gram Panchayat, under Sadar Block, Jalpaiguri.
3. Learned counsel for the petitioner submits that this is a second round of litigation. Earlier, this Court vide order dated 29.4.2025 in WPA 931 of 2025 directed the respondents to consider and dispose of the petitioner's representation by passing a reasoned order in accordance with law within a period of eight weeks from the date of communication of this order.

4. In compliance with the said order, the respondent passed a speaking order dated 04.06.2025 wherein it was held that the deceased employee was not entitled to grant a family pension as the petitioner being the married daughter, does not fall within the definition of family in terms of the Government Order dated 30.12.2009 issued by the Department of Panchayat & Rural Development, read with Chapter II, Clause 6(g) of the Death-cum-Retirement Benefit Scheme 1985. Accordingly, the matter was forwarded to the Directorate of Pension, Provident Fund and Group Insurance (DPPG) Uttarkanya, being the competent pension sanctioning authority.
5. Learned counsel for the respondent submits that the decision of the DPPG Uttarkanya is still pending. He submits that respondent no. 2 is ready and willing to decide the representation of the petitioner dated 12.01.2026.
6. Learned counsel for the petitioner submits that the Government of West Bengal, Finance Department, Pension Branch has issued a notification dated 20.02.2026 to amend the West Bengal Services (Death-cum-Retirement

Benefit) Rules, 1971, specifically pertaining to Rule 7(1)(e)(1), wherein and whereby, for the purpose of death gratuity the definition of 'family' includes married daughters as well.

7. Leaned counsel for the respondent controverts the said submission and submits that the petitioner is governed by the Government of West Bengal, Department of Panchayat and Community Development, Death-cum-Retirement Benefit Scheme, 1985 applicable to the employees of panchayats and that the said notification shall not be applicable in terms of chapter II Clause 6(g) of the said scheme.
8. In view of above, this court, without entering into the merit of the claim of the petitioner's directs the respondent no. 2 to decide the representation dated 12.01.2026 in accordance with law. It is noted that the Financial Controller & Chief Accounts Officer had already directed the BDO Sadar, Jalpaiguri to submit the case upon compliance of audit observation and had forwarded the file to the DPPG Uttarkanya for due scrutiny and verification in terms of the order passed by this court in WPA 931 of 2025. The respondent no. 2, DPPG,

Uttarkanya shall decide the said representation of the petitioner within a period of six weeks from the date of communication of this order by passing a reasoned and speaking order.

9. Needless to mention, if the petitioner is not satisfied with the order passed by the DPPG, Uttarkanya, she shall be at liberty to challenge the same in accordance with law.
10. With the above directions, the present writ petition stands disposed of.

(Gaurang Kanth, J.)