

18.06.2026
Sl. No.30(DL)
Ct. No.6
srm

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

**W.P.A. No. 465 of 2026
Raju Barman
Versus
The State of West Bengal & Ors.**

Mr. S.M. Obaidullah,
Mr. Ranjit Kumar Singh
...for the Petitioner.

Mr. Kunaljit Bhattacharjee, AGP
Ms. Rajni Singh Dev
...for the State.

1. Affidavit-of-service filed on behalf of the petitioners is taken on record.
2. By the present writ petition, the petitioner seeks for release of family pension in favour of the petitioner with effect from the date following the date of death of his mother on 25th March, 2008.
3. The petitioner contends that his mother, namely Nisharani Barman was a primary school teacher in Barafulbari Junior Basic School, Coochbehar, who died-in-harness on 25th March, 2008. At the time of death of his mother the petitioner was 16 years of age. The petitioner is entitled to family pension from the date following the death of his mother till attainment of majority. However, no family pension was granted to the petitioner. On 30th October, 2025, petitioner made a representation seeking for family pension in his favour. However, the same

has not yet been considered. Hence, this writ petition.

4. Mr. S.M. Obaidullah, learned Advocate appearing for the petitioner submits that the petitioner was minor at the time of death of his mother. As per Rule 104 of Death-cum-Retirement Benefit Scheme (*in short DCRB*) a minor son is entitled to family pension from the date following the death of his mother till he attains 25 years of age. He seeks that matter may be relegated to the appropriate authority for consideration of the representation of the petitioner dated 30th October, 2025.
5. Mr. Kunaljit Bhattacharjee, learned Additional Government Pleader appearing for the State-respondents also submits that the matter be sent to the appropriate authority for taking a decision with regard to the representation of the petitioner.
6. At the outset, though there is delay in making such claim, however, delay per se cannot defeat the valuable right of the petitioner. Relief may be granted to the writ petitioner in spite of the delay if it does not affect the right of third parties. **(See: Union of India vs. Tarsem Singh reported in (2008) 3 SCC 648).**
7. In view of the submissions advanced on behalf of the respective parties, the respondent No.5, the District Inspector of Schools (Primary Education), Coochbehar is directed to consider and dispose of

the representation of the petitioner dated 30th October, 2025, upon notice to the petitioner, by passing a reasoned order in accordance with law within a period of eight weeks from date of communication of this order.

8. The reasoned order shall be communicated to the petitioner within one week of passing thereof.
9. Learned advocate for the petitioner is directed to communicate this order to respondent No.5, the District Inspector of Schools (Primary Education), Coochbehar, for necessary compliance.
10. With the above direction, the writ petition being **WPA 465 of 2026** stands disposed of.
11. It is made clear that this Court has not gone into the merits of the writ petition.
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. 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.)