

03.1. 2024
item No.12
n.b.
ct. no. 551

WPA 3716 of 2020

Sandhya Parial & Anr.
Vs.
State of West Bengal & Ors.

Ms. Pronoti Goswami,
... for the petitioners.
Mr. Dibasish Basu,
Mr. Anun Bandyopadhyay,
..... for the Union of India.
Mr. Subrata Mukhopadhyay,
Ms. Basabi Raichaudhury,
..... for the respondent no.3 to 7.
Mr. Jahar Datta,
Ms. Sabnam Basu,
.... For the State.

The present writ petitioner is the married wife of Late Jatindra Nath Parial, retired mess employee of erstwhile Bengal Engineering College, Sibpur, Howrah. Mr. Parial retired from service on 31.7.2001 after attaining of age of super-annuation. During his retirement he received pension from the concerned department. Jaitindra Nath Parial died on December 31, 2012. The present petitioner is married wife of Late Jintindra Nath Parial who filed several representation before the authority for getting family pension. Her prayer was not considered by the concerned authority. Accordingly, he preferred an instant writ petition for getting family pension.

Initially, the respondent nos. 3 to 7 appeared and filed affidavit-in-opposition contending inter alia that the

matter was placed before the Financial Committee held on 14.6.2017 wherein the Financial Committee adopted resolution contending inter alia that the matter was placed before the MHRD as its liability of the State Government but the reply of MHRD is not forthcoming.

The Union of India is made party in this matter and Union of India has filed affidavit-in-opposition wherein the Union of India has specifically stated that in furtherance to sub-section (d) of Section 5A of NITCR (amendment) Act 2014. The husband of the present petitioner cannot come under the purview of the provision of NITCR amendment Act of 2014.

The State Government has been represented by learned advocate Mr. Jahar Dutta. Mr. Dutta submits that as per GO. No.874-Edn(CS) dated 28.10.2014 the Hostel/Mess Employees of Government General Degree Colleges and Govt. Engineering and Technology Colleges shall be treated as Group-D employees and shall be eligible for all service benefit as equal as Government Group-D employees. Such benefit can be extended only those employees who retired on or after 1st February 2000. In this case the petitioner's husband Late Jatindra Nath Parial retired from the service on 31.7.2001. So, the present case falls under the purview of the above stated Government order.

Learned advocate appearing on behalf of the State has frankly submitted that the respondent no.2 is the

competent authority to consider the prayer of the petitioner.

Considering the submission made on behalf of the State of West Bengal and also considering the affidavit-in-opposition filed on behalf of the Union of India and other respondents, it appears to me that the necessary direction may be made to the respondent no.2 to dispose of the prayer of the petitioner within short period.

The instant writ petition is pending since the year 2020.

Considering the fact, the present petitioner is a senior citizen. the respondent no.2 is specifically directed to look into the matter as a special case.

Accordingly, the instant writ petition is disposed of with a direction to the petitioner to file a specific application before the respondent no.2 within a week. After filing of such application, the respondent no.2 is directed to dispose of the same after giving reasonable opportunity to the petitioner of being heard within four weeks. After such disposal, the result shall be communicated to the petitioner within fortnight thereafter.

Accordingly, WPA 3716 of 2020 is disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Subhendu Samanta, J.)

