

17 **16.07.**
2026
Ct. No. 18

Ab

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 16374 of 2026

Sikash Bagdi

Vs.

The State of West Bengal and others.

Mr. Srikanta Dutta.

... for the petitioner.

Ms. Chandreyi Alam, Ld. AGP,
Mrs. Sipra Chanda.

... for the State.

1. The petitioner is the disabled son of a former employee of the Irrigation and Waterways Department, Government of West Bengal. The said employee died intestate on September 28, 1986, while he was still in service. The petitioner has deposited all requisite certificates for being considered for the family pension payable to the former employee, who has expired and which was being received by his wife.
2. The petitioner had approached the West Bengal Administrative Tribunal (in short 'said Tribunal') by way of OA 245 of 2022. Said OA 245 of 2022 was disposed of directing the respondent authorities to consider the petitioner's application for grant of family pension within a stipulated date.
3. Pursuant thereto, the authorities considered and kept in abeyance the application of the petitioner on August 5, 2022 on the ground that the petitioner did

not produce the requisite certificates from the concerned competent authority to the effect that the petitioner was unable to earn a livelihood due to his disability. This refusal of the authorities to entertain the grant family pension is under challenge by way of this writ petition.

4. As pointed out by Ms. Alam, learned Additional Government Pleader, that Rule 104A(iv) of the West Bengal Service (Death Cum Retirement) Rules, 1971 specifies such competent authority as a Medical Officer not below the rank of a Civil Surgeon setting out the exact mental and physical condition of the person applying.
5. In view of the afore-stated, it is imperative that the petitioner submits such a certificate as required by the authorities to enable them to take a decision in the matter.
6. The respondent no. 9, who is the competent authority, is directed to cause an investigation of the petitioner and issue the requisite certificate, on the physical disability condition of the petitioner along with the fact as to whether such condition is a deterrent to the petitioner to earn his livelihood. The entire exercise by the respondent no. 9 will be completed by August 20, 2026. The respondent no. 9 will issue the certificate to the petitioner, who will present the same to the respondent no. 4 by August

31, 2026.

7. Upon receipt of such certificate, the respondent no. 4 will dispose of the application of the petitioner by September 20, 2026. If found eligible, the respondent no. 4 will issue the recommendation to the respondent no. 6, who will proceed to issue the Pension Payment Order (PPO) on the basis whereof the respondent no. 7 will disburse the pension amount payable to the petitioner as expeditiously as possible, positively by the month of October 2026.
8. With the afore-stated directions, the writ petition is disposed of.
9. There shall, however, be no order as to costs.
10. Urgent Photostat certified copy of this order, if applied for, be given to the parties on priority basis.

(Reetobroto Kumar Mitra, J.)