

(2008) 09 CAL CK 0024

In the Calcutta High Court

Case No : Writ Petition No. 19896 (W) of 2006

Smt. Bhawani Saha

APPELLANT

Vs

The Union of India and Others

RESPONDENT

Date of Decision : 26-09-2008

Acts Referred:

Citation : (2009) 121 FLR 58

Hon'ble Judges : Jayanta Kumar Biswas, J

Bench : Single Bench

Advocate : Partha Sarathi Ghosh, for the Appellant; Pradip Kumar Roy, for the Respondent

Final Decision : Dismissed

Judgement

Jayanta Kumar Biswas, J.—The petitioner is seeking a mandamus commanding the respondents to pay her monthly family pension.

2. Her son, Hriday Kumar Saha, was working in the Central Reserve Police Force. On April 7, 2004 he died-in-harness. Hriday was married and accordingly the authorities granted family pension to his wife. According to the petitioner, her daughter-in-law re-married on February 15, 2006, and hence family pension should have been given to her from after February 15, 2006.

3. The question is whether the petitioner became entitled to get family pension once her daughter-in-law re-married.

4. Counsel for the petitioner is unable to show any legal provision that entitled the petitioner to get family pension once her daughter-in-law re-married.

5. On the other hand, counsel for the respondents submits that in view of the provisions of CCS (Pension) Rules even after re-marriage the petitioner's daughter-in-law was to continue to get the benefit of family pension, though at a reduced rate.

6. It is therefore apparent that the petitioner has no legal right to call upon the

respondents to give her family pension on the ground that her daughter-in-law re-married after family pension was sanctioned in her favour. In the absence of a legal right the petitioner is not entitled to get a mandamus commanding the respondents to pay her family pension. I am unable to give her any relief.

7. For these reasons, the writ petition is dismissed. There shall be no order for costs.

Urgent certified xerox copy of this order, if applied for, shall be supplied to the parties within three days from the date of receipt of the file by the section concerned.