

Form No.J(2)

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

Present :

The Hon'ble Justice Raja Basu Chowdhury

WPA 1486 of 2026

Smt. Lakshmi Guho @ Guha
Versus
The State of West Bengal & Ors.

For the petitioner : Ms. Srishti Sarkar

For the State : Mr. Dipankar Sen
Mr. Narendranath Bhattacharya

Heard on : 01.09.2026

Judgment on : 01.09.2026

Raja Basu Chowdhury, J (Oral):

1. Affidavit of service filed in Court is taken on record.
2. The instant writ petition has been filed, inter alia, praying for a direction upon the respondent authorities, particularly the respondent no.3, to sanction and release family pension in favour of the petitioner.
3. The petitioner happens to be the daughter of the deceased employee and is a divorcee. The pension sanctioning authority on one reason or the other hyper technical plea has refused to allow the family pension in favour of the petitioner, though the application is pending since 2018.
4. Having heard the learned advocates appearing for the parties I find that the learned advocate appearing on behalf of the State has been candid

enough in submitting that the identity of the petitioner as the daughter of the deceased employee is not in dispute. However, since the petitioner has failed to remove certain discrepancies in the documents submitted, the petitioner's claim has been held back. He has also produced the copy of the instructions dated 13th August, 2026. Let copies of such instruction as placed on record be retained with the file.

5. From the above instructions it would appear that certain objections have been raised. A perusal of the above objection would reveal that the pension sanctioning authority had failed to appreciate the decree for divorce passed by the learned Additional District Judge, 1st Court, at Jalpaiguri in Mat. Suit 84 of 1995 dated 8th December, 1998, and has observed that though the petitioner is known by the name of Lakshmi Guho, in the divorce proceedings she has been referred as Lakshmi Rani Dey (Guho) and also known as Lakshmi Seth.

6. I find from the perusal of the decree dated 8th December, 1998 that though the maiden surname of the petitioner is Guho, the surname of the petitioner's divorced husband was Dey. Records reveal that the said matrimonial suit had been filed by Paresh Ch. Dey, the petitioner's husband wherein the petitioner has been referred to as Lakshmi Rani Dey (Guho) which includes both the petitioner's surname before her marriage and surname of her husband. This Court does not find any irregularity in the petitioner's husband referring the petitioner as Lakshmi Rani Dey (Guho) by retaining the surname Guho. The father's name of the petitioner as Nripen Ch. Guha has also been mentioned. It appears that the cause title of the decree also recorded that the petitioner is now known as

Lakshmi Seth as wife of Samar Seth. On this description, I find that the learned advocate for the petitioner has clarified that the suit was decreed ex parte and the cause title of the suit was also not prepared by the petitioner but by her late husband. As rightly pointed out by the advocate for the petitioner I find that the ordering portion of the decree seeks to dissolve the marriage between the petitioner's husband Paresh Ch. Dey and the petitioner. The said decree cannot constitute to be a decree for declaration that the petitioner is the wife of Samar Seth, who has been arrayed as respondent no.2 in the above suit. The aforesaid decree has been completely misread by the pension sanctioning authority.

7. This apart, I find that the pension sanctioning authority has also raised the issue of there being discrepancy in recording the name of the deceased employee in the Pension Payment Order (PPO) and other documents disclosed by the petitioner. I am of the view so long the pension sanctioning authority does not dispute the petitioner to be the daughter of the deceased employee, the aforesaid discrepancy should have been overlooked, having regard to the affidavit sworn by the petitioner before the learned 1st Class Judicial Magistrate at Jalpaiguri on 14th November, 2024. The aforesaid only appears to a minor discrepancy in mismatch of the spelling of the petitioner's father's name. This apart, it would also transpire that the pension sanctioning authority has insisted for submission of divorce certificate. This Court is unable to appreciate the requirement for filing of such a certificate especially, when the decree for divorce has been filed by the petitioner.

8. In the peculiar facts, I am of the view the observation made by the Executive Engineer, North Bengal Planning & Design Division P.W. Dte., Jalpaiguri, in his communication dated 9th February, 2026, addressed to the petitioner whereby he has called upon the petitioner to produce further documents for processing the petitioner's application cannot be sustained and the same is accordingly set aside.

9. The concerned pensioning sanctioning authority is directed to revisit the order in the light of the observation made hereinabove and take a decision in the matter within a week from the date of communication of this order and issue necessary PPO (Family Pension) in favour of the petitioner.

10. Needless to note, upon issuance of the PPO, the petitioner shall be entitled to the arrear pension along with interest at the rate of 6 per cent per annum for the period for which the same has been illegally denied i.e. from the date of the application till such time the same is actually disbursed.

11. With the above observations and directions, the writ petition is disposed of.

12. Urgent Photostat certified copy of this order, if applied for, be made available to the parties upon compliance of requisite formalities.

(Raja Basu Chowdhury, J.)

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A.R. (Court)