24-02-2021
ct no. 13
Sl.87
pk

WPA 1908 of 2021
(Through Video Conference)

Smt. Jhuma Ghose
Versus
The State of West Bengal and others

Mr. Krishnendu Bera,
Ms. Debolina Chakraborty
...for the petitioner

Mr. Joytosh Majumdar, Ld. G. P.,
Mr. Raja Saha,
Mr. Biswabrata Basu Mallick
... for the State

Mr. Suman Basu
... for the respondent no. 4.

The writ petitioner claims to be the unmarried daughter and sole surviving heir of late Nani Gopal Ghose, ex-member of the West Bengal Commercial Taxes Tribunal. Upon the death of the said ex-member, his wife, who was registered as the first legal heir, was being paid pension. Since after the death of the husband, the petitioner being unmarried daughter has applied for pension.

In response to the said application by the communication dated 28th August, 2019 the Deputy Secretary (Technical) to the Government of West Bengal directed the Registrar, West Bengal Commercial Taxes Appellate & Revisional Board to submit eight documents to support the claim of the petitioner.

The petitioner on her own by communication dated 3rd November, 2019 purported to send certain documents to the Deputy Secretary (Technical) directly albeit through the Registrar of West Bengal Commercial Taxes Appellate & Revisional Board.

Since the Registrar was requested to supply documents-in-question to the Deputy Secretary to the Government of West Bengal, the Registrar of the West Bengal Commercial Taxes Appellate & Revisional Board shall collect the aforesaid documents from the petitioner after verifying it with the original certificates and transmit to the Deputy Secretary (Technical) to the Government of West Bengal as expeditiously as possible.

The Deputy Secretary (Technical) to the Government of West Bengal upon receipt of the said documents shall send a suitable recommendation and/or communication to the respondent no. 4 i.e. the Accountant General (A & E), West Bengal.

Counsel for the respondent no. 4 argued before this Court that since the deceased employee was under the Government of West Bengal, the grievance of the petitioner ought to have been agitated before the State Administrative Tribunal, West Bengal.

While submission of the respondent no. 4 may be sustainable, this Court notes that the prayer made by the petitioner is for pension and involves the elementary source of sustenance. Sending the petitioner to the Tribunal for a matter requiring urgent intervention would be unjust and inequitable. The writ petition is, therefore, entertained.

The Deputy Secretary (Technical) to the Government of West Bengal and the Registrar, West Bengal Commercial Taxes Appellate & Revisional Board shall take expeditious and urgent steps to ensure any entitlement of the petitioner in accordance with law.

With the aforesaid directions, the instant writ petition is disposed of.

No order as to costs.

All parties are directed to act on a server copy of this order on usual undertakings.

(Rajasekhar Mantha, J.)