

23.08.2021
SL No.15
Court No.16
(gc)

WPCT 17 of 2021

**Union of India & Ors.
Vs.
Smt. Lichu Bala Ghosh & Ors.**

(Via Video Conference)

Mr. Anuran Samanta,
...for the Petitioners.
Mr. R.N. Chakraborty,
Mr. Janardan Mandal,
...for the Respondent No.1.

One Smt. Lichu Bala Ghosh, the widow of late Kalipada Ghosh approached the Tribunal for a direction upon the authorities concerned to pay family pension to her husband in equal share between Smt. Lichu Bala Ghosh (wife), Smt. Shibani Bala Ghosh (wife), Smt. Rajlaxmi Ghosh (unmarried daughter) and Sri Nanda Lal Ghosh (mentally deranged son) forthwith in accordance with law.

On behalf of Smt. Shibani Bala Ghosh it was contended that she was the nominee to receive family pension and in support of her claim she produced certain documents which records that the pensioner died on 28th May, 1990 as per death certificate and also that family pension started from 29th May, 1990 in favour of Shibani Bala Ghosh as per Pension Payment Order. However, the name of the original applicant did not appear in any of the documents on the basis of which the original applicant claimed family pension. In course of hearing, both the widows have submitted before the Tribunal that they would happily agree to share the family

pension between themselves and for the purpose to enter a compromise to that effect. Even if it is assumed for the moment that the second marriage is invalid, Smt. Shibani Bala Ghosh, whose name appeared as a nominee, has agreed to share the pension receivable by her with Smt. Lichu Bala Ghosh and such sharing of the pensionary benefits between the two ladies cannot cause any prejudice to the employer. It was open for Smt. Shibani Bala Ghosh to accept the entirety of the amount and divide it between two of them. It was on such consideration, Rule 75 of the Railways Pension Rules was interpreted in favour of the two widows.

On such consideration, we do not find any reason to interfere with the order passed by the Tribunal.

The writ petition being WPCT 17 of 2021 fails.

However, there shall be no order as to costs.

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

(Hiranmay Bhattacharyya, J.)

(Soumen Sen, J.)