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18.03.2021
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 3892 of 2021

Chikanbala Gayen
Vs.
Union of India & Ors.

Mr. Kamalesh Bhattacharya,
Mr. B. P. Dutta,
Mr. Sankar Prasad Dalpati,
Mr. Satyajit Mahata
... For the petitioner.

Mr. Soumak Bera
... For Union of India.

Ms. Swapnalekha Auddy,
Mr. Surojit Auddy
.... For the Bank.

The petitioner is the wife of a deceased freedom fighter. The petitioner's husband Dhruba Charan Gayen who died on 7th April, 1991 used to receive pension under the Swantantrata Sainik Samman Pension Schemes, 1972. After the death of petitioner's husband, the petitioner was receiving the family pension. The petitioner had received such family pension till November, 2018. However, owing to the dispute that the petitioner has not submitted the "life certificate" which the petitioner denies, the petitioner's family pension was not disbursed with effect from December, 2018. The petitioner says to have submitted the "life certificate" which the bank denies. The bank also says that in absence of "life

certificate” the bank cannot forward the same to the respondents no.1, 2 and 3 for issuance of payment order (in short, PO)

On behalf of the respondents no.1, 2 and 3 it is submitted that the bank did not forward the “life certificate” which caused the stoppage of disbursement. By a letter dated 17th September, 2020, the bank was asked to provide for the “life certificate”. The bank, according to the said respondents no.1, 2 and 3, has not replied to the said letter and as such the disbursement was stopped from December, 2018.

Without going into the dispute as to whether the “life certificate” was submitted by the petitioner or was not received by the bank, I think justice will be subserved if the bank is directed to transmit the “life certificate” after receiving the requisite documents from the petitioner in support of the “life certificate” to the respondents no.1, 2 and 3. This exercise has to be completed within a fortnight from date. The petitioner and the officials of the concerned bank shall render cooperation to each other in this regard.

The respondents no. 1, 2 and 3 on receiving the “life certificate” from the bank will process the documents and if such documents are found in order shall within four weeks from the date of receipt, issue

necessary order for disbursement of the family pension to the petitioner through the bank concerned.

It is needless to mention that the respondents no.1, 2 and 3 while processing the petitioner's case will also take into consideration the amounts for the unpaid period since December, 2018 till date if the petitioner is otherwise entitled to the family pension and shall also disburse the same along with the current payment.

Nothing remains further to be adjudicated in the writ petition and the same is accordingly disposed of without any order as to costs.

Since I have not called for any affidavits, the allegations contained in the writ petition are deemed to have not been admitted by the respondents.

Urgent photostat certified copy of this order, if applied for, is to be given to the parties upon compliance with the necessary formalities.

(Arindam Mukherjee, J.)