

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 8762 of 2021

Smt. Pinky Singh
Vs.
Union of India & Ors.

Mr. Animesh Paul
Ms. Fatima Hassan
... For the petitioners

Ms. Aparna Banerjee
... For the respondents no.1, 2 & 3

Md. Salahuddin
Sk. Shahjahan Hassan
... For the respondent no.4

Affidavit of service filed in Court today is taken on
record.

The petitioner claims to be the second wife of Sanjay Sahani, a constable in the Railway Protection Force, Eastern Railway, Howrah Division, having Constable No.10303/RPF East in Commando Company. The said Sanjay Sahani died on 9th March, 2021. At the time of his death, he was discharging the duty as a bodyguard of the Deputy Chief Security Commissioner, Railway Protection Force. After the death of Sanjay Sahani, disputes have arisen between the petitioner on one hand and Aradhana Kumari, the respondent no.4, being the first wife of Sanjay Sahani, on the other regarding receipt of death benefits of Sanjay Sahani. I am

told that the respondent no.4 has already lodged a claim before the authority concerned as the first wife of Sanjay Sahani. The petitioner claims to be the second wife of Sanjay Sahani and also claims that she has a daughter born out of the wedlock with Sanjay Sahani.

These disputed questions of fact, including the entitlement of the petitioner, cannot be gone into in the writ jurisdiction. The claim of the petitioner vis-à-vis that of the respondent no.4 has to be gone into on ascertaining the facts by considering the supporting documents of the petitioner and the respondent no.4

The respondent no.2 and/or any other officer competent to decide on the issue of release and disbursement of the benefits of Sanjay Sahani shall go into the claim and counter-claim of the respondent no.4 and the petitioner and after affording reasonable opportunity of hearing to the petitioner and the respondent no.4, shall pass a reasoned order, giving his findings as to the release of the benefits and as to who is or are entitled to receive disbursement of such benefits. The entire exercise should be completed within eight weeks from date.

Since the respondents no.1, 2 and 3 are represented to by an advocate, no further notice should be given to the respondent no.2. The respondent no.2 shall act on the basis of a server copy of this order

without insisting upon the certified copy thereof. The said authority shall decide the matter independently without being influenced by this order as it is made clear that I have not gone into the merits of the matter.

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

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

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

(Arindam Mukherjee, J.)