

01.07.2021
Court No. 19
Item no.19
CP

WPA 10723 of 2021

PREMA DEVI @ PRABHA DEVI
VS
UNION OF INDIA AND ORS.

(via video conference)

Mr. Debarshi Das

....for the petitioner.

Mr. Kushi Prasun Chatterjee
Mr. Aveek Biswas

....for the Union of India.

The petitioner claims retirement benefits of her deceased husband. The husband of the petitioner was working as a Rakshak in Traction Motor Post, R.P.F. at Chittaranjan Locomotive Works in the district of Burdwan. The petitioner's husband was proceeded against by initiation of a disciplinary proceeding which resulted in an order of removal from service dated July 27, 1982. This writ petition has been filed by the wife of the deceased husband claiming subsistence allowance which was due to be paid to her erstwhile husband while under suspension with further prayers for payment of post-retirement benefits.

It appears that the petitioner's husband was removed from service upon initiation of a disciplinary proceeding dated July 27, 1982. The said order of

removal has not been challenged, neither has the same been set aside. The petitioner relies on the order of discharge by a criminal court dated April 24, 1982.

Be that as it may, unless the order of removal from service is set aside by an appropriate forum, the question of grant of post-retirement benefits to the petitioner does not arise.

With regard to the non-payment of subsistence allowance during the period when the petitioner's husband was under suspension, the petitioner is at liberty to make an appropriate application before the appropriate authority which shall be considered in accordance with law.

This court has not gone into the merits of the claims and counter-claims of the parties.

With the above observations, this writ petition is disposed of. There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)