

30.06.2021
Court No. 19
Item no.14
CP

WPA 10730 of 2021

Mrittika Chakraborty alias Minati Chakraborty
vs.
Punjab National Bank & ors.

(via video conference)

Mr. Kushal Chatterjee
Mr. Saptarshi Kumar Mal

....for the petitioner.

Mr. Abhishek Banerjee
Ms. Parna Roy Chauthury

....for the respondent bank.

The petitioner is the widow of a deceased employee who was originally engaged with the Oriental Bank of Commerce since 1983. The husband of the petitioner was an Ex-serviceman, once working in the Armed Forces. According to the Rules of the Ministry of Defence, Government of India, the widow of an Ex-serviceman could not draw family pension from two sources. Thus the petitioner availed of pension from the Government of India, Ministry of Defence after the demise of her husband. Such policy of the Ministry of Defence was operational for a long period and thereafter the said government order was modified and widows of Ex-servicemen were allowed to claim family pension from more than one organization in which her deceased husband had worked. Thus, it is urged in

the writ petition that the petitioner thus became entitled to claim family pension from the bank in which the petitioner's husband worked and retired from. Accordingly, the petitioner made a representation before the Oriental Bank of Commerce. Subsequently, the Oriental Bank of Commerce merged with the Punjab National Bank. The Punjab National Bank is now the authority before whom petitioner's claim would have to be made. Accordingly, a demand of justice dated April 4, 2021 was served upon the respondents/bank authorities written by the learned advocate of the petitioner.

Having considered the contentions of the petitioner and having perused the records, this court is of the opinion that the bank authority should decide the claim of the petitioner made in the demand of justice dated April 4, 2021. The respondent no. 3 is directed to dispose of the demand of justice of the petitioner in accordance with law and the pension rules applicable to bank employees as also upon taking into consideration the notifications issued by the Government of India, Ministry of Defence, Department of Ex-servicemen Welfare, New Delhi with regard to admissibility of family pension to the widows of deceased employees of the Armed Forces, from two sources.

This court has not expressed any opinion on the merits of the claim of the petitioner and the said authority will dispose of the demand of justice of the petitioner upon hearing the petitioner or any representative of the petitioner. It appears that there has been delay in making the claim. However this point will also be dealt with by the authorities in accordance with law.

A reasoned order should be passed and communicated to the petitioner. The petitioner shall be at liberty to make oral submission and submit such documents which may be relevant for disposal of the said demand of justice.

The entire exercise should be completed by the authority within a period of eight weeks from the date of communication of this order.

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.)