

11.08.2021
Sl. No.24
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE
(Via Video Conference)

WPA 11921 of 2021

Jyotsona Sarkar
Vs.
Union of India & Ors.

Mr. Lal Ratan Mondal,
Mr. Dilip Kumar Sadhu,
Mr. Avik Kumar Das

....for the petitioner.

Mr. Soumen Das

...for the respondent-bank.

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

The petitioner claims to be the wife of Satya Ranjan Sarkar, a former employee of UCO Bank, the respondent no.2. The said Satya Ranjan Sarkar retired from service on 30th November, 2009. Pursuant to his retirement, the said Satya Ranjan Sarkar was given the retiral benefits as also the pension. Satya Ranjan Sarkar died on 16th November, 2016. The petitioner, contending that she was entirely dependent upon her husband, Satya Ranjan Sarkar, made an application on 30th October, 2018 for granting her family pension on the death of her husband, Satya Ranjan Sarkar. The respondent-bank has not processed the petitioner's application, which is her grievance ventilated in the writ petition.

On behalf of the respondent-bank, it is submitted that Satya Ranjan Sarkar had two wives. The petitioner is his second wife. The first wife has died. Satya Ranjan Sarkar has a son out of his first marriage. There are claims and counter claims from the petitioner and the said son of Satya Ranjan Sarkar in respect of the pensionary benefits available after the death of Satya Ranjan Sarkar. The bank is, therefor, unable to process the petitioner's application.

Responding to this contention of the bank, it is submitted on behalf of the petitioner that Satya Ranjan Sarkar married her after the death of his first wife and the son of Satya Ranjan Sarkar born out of his first marriage is not entitled to the family pension. It is only the petitioner who is only entitled to the family pension.

A competent officer of the respondent no.2 authorised to adjudicate the petitioner's case shall decide the petitioner's application dated 30th October, 2018 after affording the petitioner and the son of Satya Ranjan Sarkar out of his first marriage an opportunity of hearing following the COVID-19 prevailing protocol. The Competent Authority of respondent no.2 shall pass a reasoned order within a period of twelve weeks from date and communicate such order to the parties before the said Competent

Authority within seven days from passing of the same.

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 on usual undertakings.

(Arindam Mukherjee, J.)