

Ct. 05
Item No.09
10.09.2021
(suvendu)

WPA 14143 OF 2021

(VIA VIDEO CONFERENCE)

Anil Kumar Shee
Vs.
The State of West Bengal & Ors.

Mr. Barun Kumar Samanta
.....for the petitioner

Mr. Biswabrata Basu Mallick
Mr. Sayan Ganguly
.....for the State

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

The writ petitioner was superannuated on 31st
July, 2012 as a retired Group -D staff of a
Government aided high school. At the time of his
retirement, the writ petitioner's first wife was alive
and she was nominated to receive family pension if
situation would arise in future and pension case of
the writ petitioner was accordingly processed by
including the name of the petitioner's first wife as
nominee.

Unfortunately, first wife of the writ petitioner
died on 11th May, 2018 and the writ petitioner
married for the second time on 3rd November,
2019. The writ petitioner desires to have the name
of his second wife being nominated in the pension

papers, already prepared for releasing pension dues to the writ petitioner. The grievance of the writ petitioner is that a representation was made on 5th March, 2021 addressed to the concerned respondent authorities, but no decision has yet been taken by the authorities on the prayer for fresh nomination by including the name of the second wife of the writ petitioner as nominee.

Mr. Biswabrata Basu Mallick, learned advocate appears on behalf of the State respondents and submits that since the issue is pending before the Director of Pension, Provident Fund and Group Insurance, let the issue be decided by the said authority by taking decision on the representation of the writ petitioner.

The writ petition is disposed of with a direction upon the Director of Pension, Provident Fund and Group Insurance, being the respondent no. 3, to take a decision on the representation of the writ petitioner dated 5th March, 2021, at page 19 of the writ petition, within a period of twelve weeks from the date of communication of this order. It is made clear that before taking such decision, the writ petitioner shall be given an opportunity of hearing by the respondent no.3. The decision to be taken in terms of this order to

be communicated to the writ petitioner within two weeks thereafter.

With the above directions, the writ petition is disposed of without any order as to costs.

All parties to act on the server copy of this order downloaded from the official website of this Hon'ble Court.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertakings.

(Saugata Bhattacharyya, J.)