

16.
22-12-2021
debajyoti

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
(Appellate Side)

WPA 19685 of 2021

Shri Sudip Choudhury

Vs.

Syama Prasad Mookerjee Port, Kolkata & Ors.

Mr. Tathagata Deb

... For the Petitioner.

Mr. Ram Chandra Agarwal

... For Respondent No.4.

Affidavit-of-Service filed in Court be
taken on record.

The petitioner claims to be the son of a deceased employee of Kolkata Port Trust (in short, KoPT), now known as Syama Prasad Mookerjee Port. The petitioner's father retired from service with effect from 01st March, 1994 and had been enjoying the pensionary benefits till his death on 17th November, 2016. The petitioner says that the Senior Accounts Officer, Pension Section of KoPT in the letter dated 30th August, 2017 stated that the papers submitted by the petitioner's father did not declare the petitioner's mother as his wife and had invited further documents to re-examine the case.

The petitioner's mother, Anjali Choudhuri, had died on 21st July, 2020. Anjali Choudhuri, according to the petitioner, left behind the petitioner as her only heir. The petitioner says that he is, therefore, entitled to Supplementary One-Time Pension in the place

and stead of her deceased mother who was entitled to the Family Pension from KoPT on account of his father.

The petitioner also refers to a letter issued by the Financial Adviser and Chief Accounts Officer of KoPT dated 24th February, 2021 informing the petitioner about such Supplementary One-Time Pension of Rs.4,62,709/-.

It appears that KoPT has expressed their desire to disburse such Supplementary One-Time Pension on the petitioner producing the Succession Certificate. The petitioner has come before this Court without obtaining the Succession Certificate claiming disbursement of such Supplementary One-Time Pension by recording his statement that he is the only heir of Anjali Choudhuri, who is the wife of the deceased employee of KoPT.

In absence of Succession Certificate, I am not inclined to direct KoPT to disburse the Supplementary One-Time Pension by only recording the statement of the petitioner. The writ petition is, thus, dismissed, without, however, any order as to costs. The dismissal of the writ petition will not prevent the petitioner from receiving Supplementary One-Time Pension in accordance with law upon production of the Succession Certificate.

Affidavits not having been called for, the allegations in the writ petition shall be deemed not to have been admitted.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copies of this order, if applied for, be supplied to the parties on compliance of necessary formalities.

(Arindam Mukherjee, J.)