

15-01-2021
Subrata
Item no. 15

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

WPA No.7851 of 2020
Purnima Dey
-vs-
The State of West Bengal & Ors.

Mr. Sujit Kumar Rath
Mr. Sukumar Sarkar ...for the petitioner

Mr. Himadri Sikhar Chakraborty
Mr. Ganga Prasad Mukhopadhyay ...for the State

The husband of the petitioner was an employee of the Raiganj municipality. He died-in-harness on December 19, 2010. His wife is praying by way of this writ petition for release of the terminal benefits due and payable in favour of her husband and the family pension as well.

It is submitted that a representation (Annexure P4, p.21) made by the petitioner on August 9, 2020 is pending consideration at the end of the respondents. As it appears that the representation is pending consideration by the respondents, no useful purpose will be served by keeping the writ petition pending.

Hence the writ petition is disposed of by directing the Raiganj municipality and its Chairman – respondents no.3(a) and 4 herein – to consider the petitioner's representation for releasing the terminal benefits of her deceased husband and for releasing the family pension as well in her favour and give a reasoned decision, strictly in accordance with law, within a period of ten weeks from the date of communication of a copy of this order. The decision once given shall be communicated to the petitioner immediately thereafter.

In the event the said respondents opine that the petitioner is entitled to receive the terminal benefits due and payable to her and also the entitled family pension, then necessary steps shall be taken for releasing the same in her favour at the earliest.

It is made clear that this court has not gone into the prayer of the petitioner made in the writ petition; and all points are left open to be decided by the respondents at the time of consideration of the petitioner's representation.

[Amrita Sinha, J]