

Item No. 3

11.05.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 3512 of 2021
Sunanda Mazumder
v.
National Institute of Technology & Ors.

Mr. Abhijit Chakraborty
... for the petitioner.

None appears on behalf of National Institute of
Technology, Durgapur.

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

The petitioner claims to be the wife of one
Bimalendu Mazumder, since deceased, an employee of
National Institute of Technology. The said employee
retired on March 31, 2006 and after his death he was
paid his terminal benefits. The said Bimalendu
Mazumder expired on May 28, 2020. After his death the
petitioner herein claiming to be the widow of the
deceased Bimalendu Mazumder made an application for
grant of family pension in her favour.

The grievance of the petitioner is that the Joint
Registrar (Estt.), NIT, Durgapur by a communication
dated January 1, 2021 directed her to furnish certain
documents to enable the authority to settle the case for
grant of family pension. The petitioner claims that her

photograph is affixed to the application for sanction of gratuity and pension, which was made by the employee at the time of his retirement.

The petitioner has annexed the marriage certificate dated January 18, 1997 of the petitioner and the said Bimalendu Mazumder. According to the petitioner the parents of Bimalendu Mazumder have already expired.

With regard to the details in connection with the first marriage of Bimalendu Mazumder with Smt. Sandhya Mazumder, it has been submitted that the marriage ended in a divorce and the fact of divorce was communicated by the employee to the respondent authority way back in the year 1999. The marriage came to an end by an order dated April 30, 1991 passed by the learned Additional District Judge, 1st Court, Burdwan in Matrimonial Suit No. 88 of 1988 and a divorce decree was granted against the first wife Smt. Sandhya Mazumder on November 28, 1994 in Mat Suit No. 3/92/138. The employee personally requested the Principal, R.E. College, Durgapur to incorporate the name of the petitioner herein as his wife.

The communication dated January 1, 2021 by the Joint Registrar (Estt.) mentions that on receipt of the required documents further action in the matter will be initiated.

The instant writ petition is accordingly disposed of by directing the petitioner to furnish all the relevant details which have been requested by the communication dated January 1, 2021 to the respondent authority.

On receipt of the documents which are available with the petitioner, the respondent authority shall verify their records and if it appears that the employee has already intimated about the decree of divorce with his first wife, then the authority shall not insist the petitioner to produce any further documents in connection with the marriage which was ended by the decree of divorce passed by the competent Court.

The authority shall take steps to disburse the legitimate dues of the petitioner at the earliest but positively within a period of sixty days from the date of receipt of all the documents from the petitioner.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

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(Amrita Sinha, J.)