

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 5532 of 2022

Ratna Mondal
Vs.
The Union of India & Ors.

Mr. Masum Ali Sardar
... For the petitioner

Mr. Brajesh Jha
... For the respondent no.2

The petitioner claims to be the widowed daughter of late Chittaranjan Mondal, a former employee of Kolkata Port Trust (in short “KoPT”) now known as Syama Prasad Mookerjee Port, Kolkata. The petitioner says that her father died on 21st August, 1997. After the death of the petitioner’s father, the petitioner’s mother was receiving the family pension. According to the petitioner, her mother died on 3rd November, 2015.

The petitioner was unmarried and aged about 29 years when her father died on 21st August, 1997. The petitioner was also unmarried when her mother died on 3rd November, 2015. Her age at that point of time was about 47 years. The petitioner as an unmarried daughter on the death of her mother became entitled to claim family pension, provided she had no earning of her own as she was by that time over 25 years in age as per the circular of KoPT dated 25th September, 2012. However, no claim for

family pension was made at that point of time. Subsequently, the petitioner got married on 29th September, 2016 to one Amit Mondal. The said Amit Mondal died on 31st May, 2017. The petitioner, therefor, became a widowed daughter of the deceased employee. The petitioner also claims to be a handicapped lady without any earning of her own.

In a previous writ petition filed by the petitioner, being WPA 4602 of 2021, an order was passed on 5th March, 2021 disposing of the writ petition. In the said order, it is recorded that the petitioner's mother – Gita Mondal – was enjoying family pension until her death on 18th March, 2019. In view of the discrepancy in the date of death of the petitioner's mother, the respondents were directed to produce all the available records pertaining to the petitioner's father. The records have been produced. I do not find from such records the date of death of the petitioner's mother. In the absence of such document, it is for the respondents to explain till which date family pension was given to the petitioner's mother. This explanation is also not available from the records produced.

On behalf of KoPT, it is submitted that on having married, the petitioner has lost her right to claim family pension with effect from 29th September, 2016. The petitioner, therefor, is not entitled to the reliefs claimed in the writ petition.

Considering all these factors, I direct the respondent no.2, being the Chairman, KoPT, to grant family pension to the petitioner subject to being satisfied that the petitioner is not receiving any social security benefit and/or family pension through her deceased husband and that she has no independent income at the present. This scrutiny is necessary in view of KoPT circular dated 25th September, 2012 since the petitioner is over 25 years in age. The entire exercise should be completed by 31st July, 2022 by giving the petitioner a personal hearing, if necessary.

In the event, the petitioner fulfills the two criteria as aforesaid, the petitioner shall be given family pension by KoPT with effect from June, 2022. The first payment on account of family pension for the months of June 2022 and July 2022 shall be made on or before 20th August, 2022 and thereafter, KoPT shall continue to pay the family pension month by month by 15th of each successive month for which the same falls due unless the petitioner remarries or has independent earning.

The parties, including the respondent no.2, shall act on the basis of a server copy of this order without insisting upon production of a certified copy thereof.

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, upon compliance of necessary formalities.

(Arindam Mukherjee, J.)