

WPA 7840 of 2022

Bani Das Roy
-Vs-
High Court Administration & Ors.

Mr. Rajarshi Dutta
Mr. Supratic Roy
Mr. Subajit Mukherjee

... for the petitioner
Mr. Shuvayan Banerjee
... for the private respondent no.6
Mr. Ram Mohan Pal
... for the respondent no.4
Mr. Siddhartha Banerjee
Mr. Sudipta Nayan Ghosh
Mr. Soumajit Majumder
... for the High Court Administration

The petitioner in this writ petition has prayed for disbursement of all the death benefits that she was entitled to upon the death of her husband, who worked as a Peon under the Judgeship of Learned Additional District & Sessions Judge, 1st Court at Kakdwip.

The deceased husband of the petitioner is also survived by his second wife and a daughter. The right of the second wife has been clarified by the Hon'ble Supreme Court in a judgment reported in **(2000) 2 SCC 431 (Rameshwari Devi v. State of Bihar & Ors.)**.

The second wife of the petitioner is neither entitled to family pension or any share in the retrial/death benefits.

However, the child born from the second marriage is entitled to a proportionate share.

Pursuant to an advertisement dated September 28, 2022 made in "*Sangbad Pratidin*" the daughter of the deceased employee being the Added Respondent No.6 is also represented.

Mr. Dutta, Learned Counsel, appears for the petitioner.

Mr. Banerjee, Learned Counsel, appears for the High Court Administration.

Mr. Pal, Learned Counsel, appears for the Respondent no.4.

Mr. S. Banerjee, Learned Counsel appears for the respondent no.6.

Having heard the rival submissions of the parties and considering the materials placed on record, this Court feels that there is no impediment in directing the Added Respondent Nos. 7 & 8 to disburse the death benefits that the petitioner is entitled to upon the death of her husband. The respondent no.4 is to prepare and forward the necessary papers for such disbursement within four weeks from date. Upon receipt of such papers, the respondent nos. 7 & 8 shall disburse the death benefits to the petitioner within the four weeks thereof.

Needless to mention that the petitioner is

entitled to only 50% of the death benefits that has accrued upon the death of her husband.

Since no affidavit has been invited from the respondent no.1, the allegations contained in the writ petition are deemed not to have been admitted by him.

With the aforesaid directions, WPA **7840 of 2022** is **disposed of**.

All parties to act on a server copy of this order duly obtained from the official website of the Hon'ble High Court, Calcutta.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Lapita Banerji, J.)