

48.
22.11.2022
S.D.

W.P.A. 8127 of 2022

**Ms. Swati Simlai
Vs.
The Union of India & Ors.**

Mr. Debangana Bhattacharjee
Mr. Arijit Bakshi
Ms. Swarnali Saha

..For the Petitioner

Mr. Soumya Majumder
Mr. Ranit Ray

...For the Respondent No. 3

Mr. Pratip Kumar Chatterjee
Mr. Masud Mallick

...for the Respondent Nos. 6 & 7

The petitioner claims to be the wife of a deceased employee of the Indian Oil Corporation (in short, "IOC"). The petitioner's husband died-in-harness on July 1, 2020. In this writ petition, the petitioner has prayed for disbursement on death benefits of her husband in her favour. The added respondent no. 6 is the father of the deceased employee and the added respondent no. 7 is the mother of the deceased employee.

Mr. Bhattacharjee, learned counsel appearing on behalf of the petitioner submits that the respondent no. 3/IOC is

disbursing the death benefits in favour of the added respondents, unauthorizedly.

Mr. Chatterjee, learned counsel appears on behalf of the respondent nos. 6 and 7.

Mr. Majumder, learned counsel appears on behalf of the respondent no. 3. He hands over a Nomination Form of the deceased employee in Court today. From the said Nomination Form, it appears that the respondent nos. 6 and 7 were the nominees of the deceased employee. The said Nomination Form is dated November 27, 2019. The Nomination Form handed over in Court today by Mr. Majumder is retained with the records.

Mr. Majumder submits that the death benefits have already been handed over by the employer/(IOC) in favour of the nominees of the deceased employee. There is no question of any unauthorized act on the part of the employer.

Having considered the rival submissions of the parties and the materials placed on record, this Court finds that the respondent no. 3 has disbursed the death benefits payable due to the death of their employee to the nominees of the deceased employee. Therefore, the employer has not acted in any unauthorized manner.

In the light of the discussions above, nothing further remains to be adjudicated in the writ petition.

The writ petition being **W.P.A. 8127 of 2022** is **disposed of**.

Needless to mention that any right that the petitioner may have against the private respondent nos. 6 and 7 may be adjudicated before the appropriate forum, if so advised.

Since no affidavits have been called for in the present writ petition, the allegations contained in the writ petition are deemed not to have been admitted by the parties.

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

(Lapita Banerji, J.)