

11.07.2022
Item No. 20
Crt.No.11
b.r.

MAT 700 of 2022
with
IA No. CAN 1 of 2022
CAN 2 of 2022

Krishna Chayan Maity
-vs-
State of West Bengal & Ors.

Mr. Sambhu Nath Ray
Ms. Amrita Tewari
..... for the appellant.

Mr. Sanjay Saha
..... for the Resp. No.8.

Ms. Sweta Saha
..... for the Resp. Nos. 10 & 11.

Mr. Tanmoy Mukherjee
Mr. Souvik Das
Mr. K. Raihan Ahmed
Mr. Rudranil Das
..... for the Resp. No.12.

Party/parties is/are represented in the order of
their name/names as printed above in the cause title.

The matters appear under the heading 'To Be
Mentioned' today.

Grave urgency is cited by the appellant/the writ
petitioner in moving the matter today. The urgency
pertains to the alleged non-receipt of the death benefits
of the deceased husband of the appellant/the writ
petitioner.

By the order impugned dated 21st April, 2022, the Hon'ble Single Bench was pleased to reject the claim of the appellant/writ petitioner to the death benefits of her deceased husband on the ground of suppression of fact. The suppression related to the non-impleadment of a necessary party to the writ petition namely, the mother-in-law of the writ petitioner and the mother of her deceased husband, who, in law, is also a claimant to the death benefits.

The mother-in-law is represented today by Mr. Tanmoy Mukherjee, Learned Counsel. Although, the parties raise several disputes of an individual nature against each other, this Court is persuaded to accept the direction of the Hon'ble Single Bench as passed on the 17th of February, 2022 in WPA 847 of 2022 setting out the modalities for receipt of the death benefits of the deceased employee.

However, while accepting the modalities as pronounced by the Hon'ble Single Bench *vide* its order dated 17th February, 2022 (*supra*), this Court further directs that such modalities shall be worked out by including the mother-in-law of the appellant/the writ petitioner as a claimant to such death benefits to the extent permissible to be paid to her by operation of law.

The appellant shall co-operate with the School Authority represented today by Mr. Sanjay Saha,

Learned Counsel, within the period directed to be so done by a written communication by the School Authority to the appellant.

The School Authority shall also communicate the modalities of payment to Mr. Mukherjee's client, who shall also be represented before the School Authority either personally or, through her authorised representative.

Needless to add, the loan taken by the deceased employee from the Co-operative Society which is represented by Ms. Sweta Saha, Learned Advocate today, shall be adjusted by the School Authority in terms of the Order dated 17th February, 2022 (*supra*), while processing the claims of the parties to the death benefits of the deceased employee.

The entire exercise be preferably completed within a period of eight weeks of the receipt of the communication by the appellant/the writ petitioner as well as the mother-in-law of the appellant from the School Authority in terms of the order passed by this Court today.

It is made clear that in the event the School Authority as well as the other authorities do not receive the required co-operation from the writ petitioner/the appellant, the modalities as directed to be worked out in terms of the order dated 17th February, 2022 shall be

treated to have forthwith lapsed, thereby reviving the terms of the Order dated 21st April, 2022 which is impugned herein.

For the benefit of the State to extend necessary assistance in working out that modality for payments as directed above, Mr. Susanta Pal, Learned State Counsel, is requested to accept notice of this brief.

Let the appointment of Mr. Pal along with a junior of his choice be regularised.

In view of the above directions, the operation of the order impugned dated 21st of April, 2022 stands stayed for the present.

Since affidavits are not necessary, hence they are not invited. Other allegations are deemed to be denied and disputed.

MAT 700 of 2022 along with its connected applications, being **IA No. CAN 1 of 2022** and **CAN 2 of 2022** stand accordingly **disposed of**.

Parties to act in terms of the copy of the order downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Lapita Banerji, J.)

(Subrata Talukdar, J.)