

Sl. No.3
04.08.2022

Court No.24
B.M.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 10695 of 2019

Kalpana Bagdi @ Sit
Versus
The State of West Bengal & Ors.

Mr. Dilip Kumar Sadhu
Mr. Anik Kumar Das

... for the petitioner

Mr. Ziaul Islam
Mr. Abdus Salam

... for the State

Mr. Sandipan Banerjee
Mr. Sobham Majumder
... for Durgapur Municipal Corporation

The petitioner claims to be the legally married wife of Uday Bagdi @ Sit who was an employee of the Durgapur Municipal Corporation. The said employee retired from service on attaining his normal age of superannuation on 31st January, 2006 and the employee expired on 6th October, 2018.

The petitioner has averred in the writ petition that the said Uday Bagdi @ Sit was previously married with one Laxmi Bagdi and out of the said wedlock two sons were born. The said Laxmi Bagdi died on 25th February, 2014.

The marriage certificate annexed to the writ petition certifying marriage of the petitioner with the employee is

dated 5th February, 2016. The marriage was with effect from 10th November, 1985.

The petitioner claims family pension on account of death of the employee.

It is surprising to note that even though the employee retired from service in the year 2006, he never took any interest to incorporate name of the petitioner as his legally wedded wife in his service record till 18th February, 2016. An application was filed by the employee on 18th February, 2016 mentioning that he married the petitioner herein on 5th February, 2016.

The details mentioned in the marriage registration certificate and the averments made in the writ petition as well as the representation filed by the petitioner and the deceased employee are at variance to each other.

The Durgapur Municipal Corporation has filed a report before this Court mentioning that adoption or marriage after retirement will not be recognised for the purpose of family pension.

The marriage certificate annexed by the petitioner mentioning that the marriage is with effect from 10th November, 1985 and the fact that the employee was married with one Laxmi Bagdi at that point of time implies that the employee had two surviving wives living at the relevant point of time.

The personal law of the employee does not permit marriage with more than one woman at one point of time.

In view of the above facts and circumstances of the present case, prayer of the petitioner for grant of family pension in her favour cannot be accepted by the Court.

The writ petition fails and is hereby dismissed.

The report filed by the Durgapur Municipal Corporation in Court today is retained with the records.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)