

21.12.2022.
Court No.21
Item No.20
pk

WPA 12149 of 2022

**Smt. Kulchan Bibi
Versus
The Union of India & Ors.**

Mr. Indradeep Pal,
Mr. M. F. Rahaman,
...for the petitioner.

Ms. Piyali Sengupta,
Ms. Rupsha Chakraborty
... for the State.

Ms. Sujata Mukherjee
... for the respondent nos. 2 and 3.

Mr. Kalyan Kumar Chakraborty
... for the Union of India.

The petitioner's husband was an employee of the Kolkata Port Trust/Syama Prasad Mookherjee Port. The petitioner's husband retired from service on April 1, 2003. Thereafter he received his retiral benefits. He died on October 2, 2016.

After his death, the petitioner made an application for family pension on December 21, 2016. The application for grant of family pension was considered by the employer/Kolkata Port Trust. By a communication dated June 8/12, 2017 the Senior Accounts Officer (Pension Section) informed the petitioner that the name and age of the petitioner as per the Voter Identity card, PAN Card and Aadhar Card were not matching with the Kolkata Port Trust records. Thereafter by an office order dated May 14, 2018 the Financial Advisor and Chief Accounts Officer

again informed the petitioner that there were discrepancies with regard to the name and age of the petitioner in the various identification documents. The petitioner's prayer for family pension as the widow of the ex employee was rejected since the name of the petitioner/applicant did not match with the name appearing on the nomination form made by the ex employee. Furthermore, the age of the petitioner/applicant was found not to be matching. Such a rejection letter was issued by the Deputy Chief Accounts Officer on January 1, 2021. Again the same was reiterated on March 10/16, 2021 by the Senior Officer of the Pension Section.

Upon filing of the writ petition, a Co-ordinate Bench of this Court directed the Officer-in-Charge, Maheshtala Police Station to conduct an enquiry with regard to the identity of the petitioner and answer the issue whether she was the wife of Sk. Samsul, the deceased employee of the Kolkata Port Trust.

The written instructions issued on behalf of the Inspector-in-Charge, Maheshtala Police Station is handed over in Court by Ms. Sengupta today. Such written instructions are retained with the records. As per the said written instructions given pursuant to the enquiry conducted by the Inspector-in-Charge, it appears that the petitioner, namely, Kulchan Bibi is the wife of the deceased employee, Sk. Samsul. The previous wife of Sk. Samsul died on July 28, 2005

during the lifetime of the deceased employee. The heirs of the first wife of the deceased employee have issued a no objection certificate in favour of the petitioner. Furthermore, a declaratory affidavit has also been obtained by a competent court of law whereby the petitioner's name has been recorded as Kulchan Bibi and her date of birth is specified as January 1, 1961.

In view of the submissions made by the parties and the materials placed on record, this Court finds that there is no further impediment in disbursement of the family pension in favour of the petitioner. On investigation it has already been found that Kunchun Bibi is the same and identical person as the petitioner, Kulchan Bibi being the wife of Sk. Samsul, the deceased employee of the Kolkata Port Trust.

Let the family pension be released from March 10, 2023 and month by month thereafter. Any arrears in respect of the family pension since the death of the petitioner on October 2, 2016 will also be released in favour of the petitioner within eight weeks from the date of passing of this order subject to compliance of all necessary formalities by the petitioner.

Since no affidavits have been directed to be exchanged in the present writ petition of the allegation contained therein are deemed not to have been admitted by the parties.

The written instructions handed over in Court today is retained with the records.

With the directions aforesaid, **WPA 12149 of 2022** is **disposed of**.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

Photostat certified copy of this order, if applied for, be given to the parties on urgent basis.

(*Lapita Banerji, J.*)