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12.12.2022
S.D.

W.P.A. 12250 of 2022

**Sujata Roy
Vs.
Union of India & Ors.**

Mr. Debanik Banerjee
Mr. Akash Ganguly
...For the petitioner
Mr. Somnath Adhikary
... For the Union of India
Mr. Anjan Kumar Mukherjee
..For the Respondent Nos. 2 & 3

The petitioner claims to be the wife of a deceased employee/contractual driver of the Institute of Costs Accountants of India. The petitioner's husband died-in-harness on September 2, 2015. Subsequent thereto, the petitioner made an application for disbursement of the death benefits of her husband.

By a letter dated June 22, 2016 issued by the Director, Administration & HR Department, the Institute of Cost Accountants of India/respondent no. 2, the petitioner was requested to produce A Succession Certificate in favour of her claim that she is the wife/widow of the deceased employee.

Such Succession Certificate was issued by the District Delegate, Civil Judge (Senior Division), 5th Court at Alipore

on August 5, 2019 declaring the petitioner to be the wife of the deceased employee. The said Succession Certificate was handed over to the respondent no. 3 on September 4, 2019.

Mr. Banerjee, learned counsel appearing on behalf of the petitioner argues despite handing over of the said Succession Certificate, the petitioner's legitimate dues were not disbursed. The petitioners made representations on February 5, 2021 and also on February 17, 2022, but the same were not considered by the respondent nos. 2 and 3 till date.

Mr. Mukherjee, learned counsel appearing on behalf of the respondent nos. 2 and 3 submits that the claim for disbursement of the death benefits of the deceased employee was first made by the private respondent no. 4. Thereafter, the petitioner made a claim for disbursement of the death benefits of the same deceased employee. As an employer, it is impermissible for the respondent nos. 2 and 3 to take a decision as to in whose favour the said death benefits may be released. He fairly submits that the employer is willing to disburse the death benefits of the deceased employee pursuant to the directions of the Court.

Having considered the rival submissions of the parties and the materials placed on record, this Court finds that a Succession Certificate dated August 5, 2019 was issued in

favour of the petitioner by the District Delegate, Civil Judge (Senior Division), 5th Court, Alipore. There is no reason to disbelieve the said declaration of the Civil Judge (Sr. Division).

It is also not the case of the respondent nos. 2 and 3 that a second Succession Certificate has been issued in favour of the respondent no. 4. Therefore, this Court finds that there is no impediment in releasing the death benefits of the deceased employee of the petitioner.

Despite service, the respondent no. 4 is nor represented in Court today.

This Court finds that there is no impediment in release of the death benefits of the deceased employee of the petitioner. The respondent no. 2 and/or his authorized delegate/subordinate is directed to disburse the death benefits of the petitioner's husband in her favour within four weeks from the date of the order. Furthermore, the respondent no. 2 is directed to pay interest @ 6% p.a. from September 4, 2019 (the date on which the Succession Certificate was received by the respondent no. 3) till the date of actual disbursement in favour of the petitioner.

In the light of the discussions above, the writ petition being **W.P.A. 12250 of 2022** is **disposed of**.

Since no affidavits have been invited in the said writ petition, all the allegations contained therein are deemed not to have been admitted by the parties.

Needless to mention that any prayer for compassionate appointment for the son of the petitioner may be considered by the concerned respondents as per their extant rules and policies.

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

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

(Lapita Banerji, J.)