

14-01-2022
Court No.13
Sl.10 & 11
pk

WPCRC 3 of 2022
Smt. Gayatri Karmakar
Vs.
Sri Chandan Kumar Rudra
in
W. P. A. 9554 of 2017
(Through Video Conference)

Mr. Chittapriya Ghosh,
Mr. Samir Kumar Adhikari

.....for the Petitioner.

Mr. Bhashkar Prasad Vaisya,
Mr. Nilay baran Mondal

.....for the contemnor.

Mr. Bhashkar Prasad Vaisya, learned advocate
appears for the contemnor.

It is submitted that in normal circumstances
and in terms of the applicable Rules, wife and child
of the deceased employee are the first and normal
claimants entitled to pension on account of the
death of an employee.

It is submitted by Mr. Vaisya, in the interest of
justice that the minor son, albeit under the care of
the mother, who has been employed on
compassionate ground in place of the deceased
employee, should be additionally secured from out
of the terminal benefits of his late father.

Admittedly the wife of the deceased had
already indicated to Court that she has no
objection to pension being paid to the petitioner,
who is the mother of the deceased.

In that view of the matter and considering the submissions of Mr. Vaisya, learned advocate, this Court directs pension to be released within ten days to the mother of the writ petitioner with effect from 18th December, 2018 on her undertaking to financial take care of the son of the deceased, in the event of any need.

All arrears payable on account of pension with effect from the year 2018 shall be paid within a period of one month from date without fail or demur without any interest.

The alleged contemnor, Sri Chandan Kumar Rudra is present in Court. It is submitted by Mr. Vaisya that he is the Joint Director of the Pension Provident Fund and Group Insurance, West Bengal.

The personal presence of the alleged contemnor, Sri Chandan Kumar Rudra is dispensed with.

The contempt application is disposed of.

The Rule issued shall stand discharged.

There will be no order as to costs.

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

(Rajasekhar Mantha, J.)