

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 14417 of 2018

Sucheta Giri
Vs.
The Manager,
United India Insurance Company Limited & Ors.

Mr. Saibal Acharya
Mr. Kallol Kumar Maity
... For the petitioner

Mr. Rajesh Singh
... For the respondents

The petitioner claims to be the first wife of Akul Kumar Giri, a former employee of United India Insurance Company Limited (hereinafter referred to as the “Insurance Company”). The said Akul Kumar Giri retired from the services of the said Insurance Company on 30th November, 2003 and died on 8th August, 2016. The petitioner’s husband on his retirement was awarded the pension and other entitlements available to him. After the death of the said employee, the petitioner by virtue of the declaration in service book of the deceased employee has sought for family pension and other entitlements as per law. The petitioner says that the Insurance Company has not provided the family pension to the petitioner despite passage of a considerable period of time. The petitioner, therefor, is seeking necessary orders directing the Insurance Company to pay the family pension to the petitioner.

On behalf of the Insurance Company, it is submitted that the said Akul Kumar Giri had married twice. There is a dispute as to which wife is entitled to the family pension and other benefits after the death of the concerned employee, though in the service book of the deceased employee the petitioner's name is included. It is further submitted that the other wife, Atasi Giri, had filed a writ petition, being WPA 17261 of 2021, claiming the family pension. Although the petitioner herein was not made a party to the said writ petition but the fact that the deceased employee had declared the petitioner as his wife in the service book had not been placed before the Court when the said writ petition was disposed of by an order dated 24th November, 2021.

In the present writ petition, Atasi Giri is not a party. However, considering the fact that the claim of Atasi Giri had been referred to the Regional Chief Manager, United India Insurance Company Limited, having his office at the Regional Office situate at Himalaya House, 38B, Jawaharlal Nehru Road, Chowringhee, Kolkata – 700071, for being considered, I am inclined to dispose of this writ petition allowing the petitioner to establish her claim before the said Officer.

I am told by the Insurance Company that the case of Atasi Giri has not yet been disposed of in view of the pendency of the instant writ petition.

In the aforesaid facts and circumstances, I direct the petitioner to approach the Regional Manager, being the respondent no.3, with her claim for family pension by way of a representation within a period of two weeks from date.

In the event such representation is made, the respondent no.3 shall take into consideration the representation if any made by Atasi Giri along with the representation so to be made by the petitioner and dispose of the same by passing a composite order deciding on the rival claims. The order should be a reasoned order containing the decision on each of the issues that may be raised before the respondent no.3. The entire exercise of disposing of the claim of the petitioner taking into consideration the counter-claim, if any, of Atasi Giri should be completed by 15th June, 2022. The reasoned order that may be passed shall be immediately communicated to the petitioner and also to Atasi Giri.

Nothing further remains to be adjudicated in this writ petition. The same is disposed of accordingly without any order as to costs.

Since I have not called for any affidavits, allegations made in the writ petition are deemed to have not been admitted by the respondents.

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

(Arindam Mukherjee, J.)