

urt No. 22
14.11.2022
(Item No. 35)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 16379 of 2022

Binapani Murmu
VS
The State of West Bengal & Ors.

Mr. Lalratan Mondal
Mr. Dilip Kumar Sadhu
..... for the petitioner
Mr. Rajarshi Basu
Mr. Parikshit Goswami
..... for the State
Mr. Amitava Chaudhuri
Mr. N. Roy
..... for respondent No. 3

Pursuant to the direction made on August 17, 2022 Mr. Nirmalya Roy, learned advocate led by Mr. Amitava Chaudhuri, learned advocate appears for respondent No. 3 files an affidavit report, the same is kept on record.

Mr. Lalratan Mondal, learned advocate appearing for the writ petitioner submits that, the writ petitioner is the wife of a deceased Lecturer namely Sakti Pada Murmu who was a Lecturer at Mahishadal Raj College. After the demise of her husband the petitioner claims the service benefit payable on account of her deceased husband. The petitioner filed a previous writ petition being **WPA 18064 of 2021**. By an order dated March 30, 2022 a co-ordinate bench of this Court disposed of the said previous writ petition with a direction upon the Principal of the concerned College to take a reasoned decision on the

issue. Pursuant to the said direction of the co-ordinate bench the Principal took a reasoned decision on May 10, 2022, **Annexure P-20 at page 62** to the writ petition.

Pursuant to an order dated August 17, 2022 the respondent No. 3 filed the above report. On perusal thereof and from the submissions made on behalf of the respondent No. 3 it appears that, there was already a previous nomination made by the deceased husband of the petitioner in favour of the petitioner only to hand over all the service benefits in the event of his death.

In view of such embargo despite the said reasoned order dated May 10, 2022 the respondent No. 3 is in difficulty to hand over the entire service benefit of the deceased husband of the petitioner in terms of the said order dated March 30, 2022 passed in the previous writ petition.

Mr. Lalratan Mondal, learned advocate appearing for the petitioner who is the wife of the deceased Lecturer submits on instruction that, his client namely the writ petitioner has no difficulty and is agreeable for the disbursal of the service benefits of her deceased husband in the manner and mode as directed by the co-ordinate bench in its order dated March 30, 2022 passed in the previous writ petition.

Considering the above submissions and considering the materials on records this Court

directs the respondent No. 3 to deposit the entire service benefit of the deceased husband of the petitioner with the Registrar General of this Court positively on or before November 24, 2022. Upon receiving the said amount from the respondent No. 3 in terms of the calculation to be furnished by the respondent No. 3 in support thereof the Registrar General shall issue a confirmation receipt of such amount in favour of the respondent No. 3.

The petitioner then shall file an affidavit before the Registrar General in line with her submissions as recorded above that, if the amount is disbursed in terms of the said order dated March 30, 2022 passed in the previous writ petition she will have no objection whatsoever and she will undertake through such affidavit to be filed before the Registrar General of this Court that she is agreeable for the disbursement of the amount in terms of the said order dated March 30, 2022 passed in the previous writ petition.

The petitioner in such affidavit shall also identify by including copies of the necessary identification proof of the other persons who shall receive the retiral benefit in terms of the said order dated March 30, 2022.

The Registrar General then upon being satisfied with the said affidavit and upon being satisfied with the identity of all such persons who are eligible to receive the said retiral benefit of the

deceased husband of the petitioner in terms of the said order dated March 30, 2022 shall disburse the amount following the direction made on March 30, 2022 and shall obtain the necessary affidavit from each of such persons or on their behalf, in accordance with law confirming the receipt of such amount.

The entire exercise as directed above shall be carried out and completed by the Registrar General within a period of eight weeks from the dated of receipt of the entire service benefit from the respondent No. 3 and upon issuing proper notice to the writ petitioner and its advocate on record.

On the above terms, this writ petition being **WPA 16379 of 2022** stands disposed of.

There shall, however, be no order as to costs.

Urgent certified photo copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Aniruddha Roy, J.)