

30th March, 2022
(D/L No.27)
(SKB)

W.P.A. 18064 of 2021

Binapani Murmu
Versus
The State of West Bengal and others

Mr. Lal Ratan Mandal,
Mr. Avik Kumar Das,
Mr. Dilip Kumar Sadhu
... for the petitioner.

Mr. Swapan Kumar Datta,
Mr. Tapas Kumar Mandal
... for the State.

Learned counsel appearing for the petitioner submits that the District Magistrate, Purulia has issued the legal heir certificate to the petitioner's late husband pursuant to the order dated 3rd March, 2022.

Since it appears from the impugned order dated 27th September, 2021 passed by the Principal of the Mahishadal Raj Collage that the issue with regard to the petitioner's entitlement to the retirement benefits of the petitioner's husband could not be decided by reason of the appropriate documents not being available with the Principal, the Principal is directed to take a decision on the entitlement of the petitioner to her late husband's retirement benefits and dispose of the same by way of a reasoned order within four weeks from date. The Principal shall be at liberty of hearing all the necessary parties including the petitioner and the mother of her

late husband and furnish a copy of the reasoned order to the petitioner within a week from which such order is passed. It is made clear that if the petitioner is found to be entitled to the dues of her late husband, the Principal shall take necessary steps and forward the same to the appropriate authority to take a decision in the matter. The contention of counsel appearing for the petitioner is also noted that the petitioner, her minor daughter and the mother of her late husband are equal claimants to her husband's retirement benefits and the benefits accordingly should be distributed equally amongst the three claimants. The Principal of the concerned College shall also take a decision with regard to the pension due to the petitioner's late husband in the manner as directed above. Needless to say, all decisions shall be taken in accordance with law.

W.P.A.18064 of 2021 is disposed of in terms of the above.

Urgent photostat certified copy of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Moushumi Bhattacharya, J.)