

15.09.2022
Item No.133
Ct. No.17
S.A.

WPA 19151 of 2022

**Samsunnechha Mallick @
Samsunnesa Mallick @
Samsun Bibi**

-vs-

The State of West Bengal & Ors.

Mr. Avishek Prasad

...for the petitioner

Mr. Shamim ul Bari

...for the State

Mr. Arindam Chattopadhyay

...for the DPSC, Nadia

Mr. Prabir Majumder

...for the private respondent

The petitioner submits that she is the first wife of the expired teacher and she was driven out of her house by her husband after his second marriage. She was getting maintenance under Section 125 of the Code of Criminal Procedure and there it was decided that she was married wife of the petitioner. Now, the Director of Pension, Provident Fund and Group Insurance (DPPG) requires the marriage certificate of the petitioner with her deceased husband. The petitioner submits that such marriage was solemnized in the year 1970 and at that point of time it was not registered.

I direct the DPPG to give an opportunity of hearing to the petitioner when she will produce all the documents showing that her marriage was accepted by a court of law and on that basis the family pension

is to be given to the petitioner and also to the other wife of the deceased teacher.

Such hearing by the DPPG is to be given within six weeks from the date of communication of this order and a reasoned order is to be passed if the family pension is not payable and no further order was required to be passed by the DPPG.

Learned advocate for the private respondent being the second wife of the deceased teacher has vehemently objected to the allegation that the first wife was driven out of the house of the deceased teacher.

With the above observation and direction, this writ application is disposed of.

(Abhijit Gangopadhyay, J.)