

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 20541 of 2021

Smt. Alo Kundu
Vs.
Punjab National Bank & Ors.

Mr. Ujjal Ray
... For the petitioner

Ms. Parna Roy Chowdhury
... For the respondent Bank

Affidavit of service filed in Court today is taken on record.

The petitioner is the wife of Jyoti Prakash Kundu, a former employee of Punjab National Bank. The petitioner's husband, according to the petitioner, died intestate on 18th January, 2020.

No one has come forward to claim that Jyoti Prakash Kundu died testate. A matrimonial suit was filed by Jyoti Prakash Kundu against the petitioner before the Court of the District Judge at Hooghly which was subsequently transferred to the Court of the learned Additional District Judge, 3rd Court at Hooghly and numbered as MAT Suit No.977 of 2012. The said matrimonial suit was not decreed during the lifetime of Jyoti Prakash Kundu. After the death of Jyoti Prakash Kundu, the suit stood dismissed, as will appear from an order dated 20th November, 2020 furnished by the

petitioner. The petitioner says that she is the legally married wife of Jyoti Prakash Kundu and, as such, is entitled to all the retiral benefits and the family pension from the employer Bank. The marriage between the petitioner and Jyoti Prakash Kundu is admitted in view of Jyoti Prakash Kundu filing the matrimonial suit. There is also no dispute as to the marriage between the petitioner and Jyoti Prakash Kundu raised by any one. No one has come forward with any counter-claim before the employer Bank.

On behalf of the employer Bank, it is submitted that in the Pension Sanction Sheet, the said Jyoti Prakash Kundu had declared one Pradip Kundu to be the nominee. The relationship between Pradip Kundu and Jyoti Prakash Kundu as stated in such Pension Sanction Sheet is "brother".

Jyoti Prakash Kundu retired from service on 31st July, 2008. The Bank had paid the retiral benefits to Jyoti Prakash Kundu upon his superannuation. Pradip Kundu has not come forward with any counter-claim before the Bank after the death of Jyoti Prakash Kundu.

In the aforesaid facts and circumstances, I find no reason to keep the matter pending for any further enquiry as the role of the nominee is only to collect the money and disburse it amongst the legal heirs and beneficiaries of the deceased. Pradip Kundu, being the brother of Jyoti Prakash Kundu, is admittedly a Class-II heir under the

Hindu Succession Act, 1956. In the event a Class-I heir is there, nothing devolves on the Class-II heir. The petitioner, being wife of Jyoti Prakash Kundu is alive and, as such, she is entitled to the pensionary and other benefits to which Jyoti Prakash Kundu was entitled. The petitioner as the wife is also entitled to the family pension and other benefits as per the prevailing norms.

In the aforesaid facts and circumstances, I direct Punjab National Bank to process the family pension of the petitioner with effect from 19th January, 2020 and start paying such family pension from March, 2022.

So far as the arrears are concerned, the same shall be paid by 31st March, 2022 with interest at the rate of six per cent per annum from the date of accrual of the amounts till the actual date of payment.

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.

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

(Arindam Mukherjee, J.)