

10.02.2022
Sl. No.6
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE
(Via Video Conference)

WPA 20766 of 2021

Mina Shaw
Vs.
Union of India & Ors.

Mr. Surendra Kumar Sharma
....for the petitioner.

Mr. Pramod Kumar Drolia
....for the respondents.

The petitioner is the widowed daughter of Rabindra Nath Shaw, a former employee of Kolkata Port Trust (in short “KPT”), now known as Syama Prasad Mookerjee Port, Kolkata. The said Rabindra Nath Shaw died on 8th April, 1992. After the death of Rabindra Nath Shaw, his widow, namely, Bela shaw was given the family pension. The petitioner was married to one Prem Nath Shaw. The said Prem Nath Shaw died on 1st March, 2011 and Bela Shaw died on 16th November, 2011. The petitioner says that after the death of her husband (Prem Nath Shaw), she was dependent on her mother, Bela Shaw. On the death of Bela Shaw, the petitioner is entitled to receive the family pension from KPT.

On behalf of the respondents including KPT, it is submitted that the family declaration given by Rabindra Nath Shaw says that apart from the

petitioner there are other siblings, and as such the claim for the petitioner cannot be adjudicated in their absence. KPT also says that there are certain discrepancies in the age of the petitioner.

After hearing the parties and considering the materials on record, I find that justice will be subserved if I direct the petitioner to make a comprehensive representation claiming the benefit of family pension as a widowed daughter before the employer, KPT and the same is disposed of by the employer after giving hearing to the petitioner as also those who, according to the employer, may be the other stakeholders for the family pension, within a timeframe by a reasoned order.

The petitioner is afforded time up to 28th February, 2022 to make a comprehensive representation before the Senior Accounts Officer, Pension Section, KPT, being the respondent no.8. In the event such representation is made, the respondent no.8 shall dispose of the same by a reasoned order within a period of three months from the date of making such representation after affording the petitioner a reasonable opportunity of hearing as also by hearing the other stakeholders, if necessary and dispose of the same by a reasoned order. The reasoned order shall be communicated to the

petitioner within a period of ten days from passing of the same.

The writ petition is accordingly disposed 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.)