

24.11.2022
DL-12
(PP)
Ct.21

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 22766 of 2022

Maitreyee Banerjee also known as
Maitreyee Dhali Banerjee
Vs.
Union of India & Ors.

Mr. Sankar Paul,
Mr. Sujan Das

....for the petitioner.

Mr. Ayan Poddar,
Ms. Poulami Bhowmick

....for the respondent nos.2-7/AAI.

Affidavit of service filed in Court today be retained with the records.

The petitioner claims to be the second wife of the deceased employee who worked in the post of Senior Assistant (FS) with the Airports Authority of India. The petitioner's husband died-in-harness on July 1st, 2022. The first marriage between the petitioner's husband and his first wife was dissolved by a judgment and order dated December 21, 2011 in Matrimonial Suit No.86 of 2011 passed by the learned Additional District Judge, Fast Track Court – I, Barasat, North 24-Parganas.

The private respondent no.8 was born from the marriage between the petitioner's deceased husband and his first wife. From the second marriage

petitioner's husband with the petitioner, a male child was born on July 22, 2017.

Upon the death of her husband, the petitioner made a representation before the respondents/ Airports Authority of India (in short, "AAI") for disbursal of the death benefits of the petitioner's husband. Since the petitioner did not get any response to the representation made by her, the instant writ petition was filed for redressal of her grievances.

Mr. Paul, learned counsel, appearing on behalf of the petitioner submits that the petitioner is entitled to all the terminal/death benefits of her husband.

Mr. Poddar, learned counsel, appearing on behalf of AAI submits that the petitioner has already been informed that as per the nomination form submitted by the deceased employee during his service period, the private respondent no.8 was the only nominee in respect of gratuity, provident fund and leave salary payable to the deceased employee. Therefore, the petitioner's prayers in respect of the aforesaid dues cannot be considered. However, the petitioner being the wife of the deceased employee would be eligible for family pension as per the extant rules of AAI. For processing the aforesaid pension,

she was required to submit the necessary documents with the authorities.

A copy of the written instructions handed over in Court today by AAI is retained with the records.

Having considered the aforesaid submissions of the parties and the materials placed on record, this court finds that since the nomination form recorded only the name of the private respondent no.8, necessary disbursement can only be made by the authorities in her favour. Any legal entitlement that the petitioner may have in respect of the death benefits of her husband has to be agitated before the civil court against the private respondent. The writ Court is not the appropriate forum for agitating a private dispute between the parties.

The petitioner may make necessary application for grant of family pension with AAI, if so advised.

With the directions aforesaid, **WPA 22766 of 2022 is disposed of.**

Since no affidavits have been invited in the writ petition, all the allegations contained therein are deemed not to have been admitted by the parties.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Hon'ble Court.

Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(Lapita Banerji, J.)