

23.12.2022
DL-6
(PP)
Ct.21

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 28560 of 2022

Smt. Basanti Nandi
Vs.
Union of India & Ors.

Mr. Arup Krishna Das,
Mr. Abdus Salam

.....for the petitioner.

Mr. Rajendra Banerjee

....for the respondent nos.1 to 5.

In this writ petition, the mother of a deceased employee who worked as a Helper in the Electrical Department, Howrah Division of Eastern Railway has prayed for release of death benefits of her son in her favour. The petitioner's son died-in-harness on June 24, 2022, intestate. The private respondent no.6 is the wife of the deceased employee.

Mr. Das, learned counsel appearing on behalf of the petitioner submits that the mother is also an heir and legal representative of her son/deceased employee since he has died intestate. Therefore, the respondent authorities/Eastern Railway should not disburse the entire death benefits in favour of the private respondent no.6/wife.

Mr. Banerjee, learned counsel appearing on behalf of the respondent-railway authorities submits that a nomination form was filed by the deceased employee whereby the private respondent no.6 was

stated to be the only nominee. Therefore, the death benefits have already been disbursed in favour of the private respondent no.6. As such no claim can exist against the employer/Eastern Railway.

Having considered the rival submissions of the parties and the materials placed on record, this Court finds a nomination form stipulating the private respondent no.6 to be the only nominee was filed by the deceased employee with the employer/Eastern Railway.

The employer/Eastern Railway is entitled to disburse the entire death benefits in favour of the respondent no.6. The employer/Eastern Railway has validly released the same in favour of the respondent no.6.

The nature of the dispute is a private one, between the petitioner the private respondent no.6.

No legally enforceable right of the petitioner has been violated by the State/respondent authorities.

In the light of the discussions above, **WPA 28560 of 2022** is **dismissed** without any order as to costs.

It is made clear that this Court was inclined to take up the instant writ petition since the Central Administrative Tribunal was of the view that since six months had not expired from the date of the

representation made by the petitioner, it was unable to take up the matter for consideration.

This Court in no way has sought to exercise its jurisdiction over a matter, the subject of which is within the jurisdictional authority of the Central Administrative Tribunal.

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.)