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22.02.2023
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A. 1917 of 2023

**Saraswati Halder
-versus
The State of West Bengal & Ors.**

**Mr. Kaunish Chakraborty,
Mr. Debasish Kundu,
Mr. Samiul Haque.
...For the Petitioner.**

**Mr. Susanta Pal,
Ms. Ananya Neogi.
...For the State.**

**Mr. Alak Kumar Ghosh,
Mr. Gopal Chandra Das.
...For KMC.**

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

The petitioner claims to be the widow of one Alake Kumar Halder who was an employee of the Kolkata Municipal Corporation. The said employee died-in-harness on 14th September, 2016. The marriage between the petitioner and the employee was registered on 5th August, 2016 with effect from 29th April, 2016.

After the death of the employee, the petitioner applied for releasing the terminal benefits in her favour and to provide compassionate appointment either to her or to her son.

Be it recorded that the marriage certificate relied upon by the petitioner mentions that one Sukhen Baidya whose date of birth is 1st November, 1983 is the son of one Shambhu Baidya.

The petitioner admits that Sukhen Baidya was born out of the wedlock between the petitioner and her erstwhile husband Shambhu Baidya.

On receipt of the application from the petitioner, the Corporation requested the petitioner to submit the death certificate of her mother-in-law who is the nominee in the provident fund account of the employee.

The petitioner was also asked to submit documentary evidence in support of the legal heir/claimant/successor, Sukhen Haldar son of late Alake Kumar Haldar.

Learned advocate appearing for the petitioner contends that as per the above communication, the petitioner forwarded all the necessary documents in November 2022 but till date there has been no response from the end of the employer.

Learned advocate appearing for the Kolkata Municipal Corporation submits that several issues are to be gone into prior to deciding the application of the petitioner.

The death of the employee took place within a couple of months of the registration of marriage. The son in whose favour the petitioner seeks employment, is not the son of the deceased employee. He is the son of the petitioner and her erstwhile husband.

The employer ought to be satisfied as to whether the petitioner is the true claimant of the terminal benefits of the deceased employee.

It appears from records that the employer sought for certain documents from the petitioner to process her claim. The petitioner submits that the required documents were duly forwarded.

In view of the above, the instant writ petition is disposed of by directing the respondent No.2 to take steps to decide the prayer of the petitioner in accordance with law, at the earliest, but positively within a period of twelve weeks from the date of communication of a copy of this order. If required, an opportunity of hearing may be afforded to the petitioner for production of necessary documents in support of her claim.

A reasoned order shall be passed and communicated to the petitioner immediately thereafter.

If the aforesaid respondent is of the opinion that the petitioner will be entitled to the relief as claimed for, then necessary consequential steps shall be taken in the matter.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)