

Item No.25

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

12.12.2023
Ct-24
AGM

WPA 12488 of 2023
Mohammad Ali Arsh (Minor)
v.
The State of West Bengal & Ors.

Mr. Abdul Hamid Molla
Mr. Mukteswar Maity
Md. Abdul Halim
... for the petitioner.

Mr. Alak Kumar Ghosh
Mr. Arijit Dey
... for KMC.

The petitioner seeks release of the death benefits of her deceased father, who was an employee of the Kolkata Municipal Corporation.

A representation to that effect is pending consideration at the end of the Corporation.

Learned advocate representing the Corporation submits that there are diverse claims and there is an order of the learned civil Court restraining the parties to withdraw the service benefits in any manner whatsoever till disposal of the suit. The Civil Court made it abundantly clear that the plaintiff will also not be able to withdraw the service benefit till disposal of the suit.

It appears that the Suit was filed in the year 2014 and the same is pending till date.

In such a situation, it will not be possible for the Corporation to disburse the terminal benefit in favour of any of the parties.

The parties will be at liberty to make necessary prayer for disbursal of the dues in terms of the order passed by the learned Civil Court in the pending Suit.

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

Report in the form of affidavit filed by the Corporation be retained with the records.

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.)