

27.
10.1.2023
S.D.

W.P.A. 16530 of 2021

Smt. Munni Devi
Vs.
Union of India & Ors.

Mr. Jatindra Basak

... For the Petitioner

Mr. Kallol Basu

Ms. Sujata Mukherjee

..For the KoPT

Mr. Rajesh Kumar Shah

...For the U.O.I.

The petitioner claims to be the daughter of one Narayan Ram. The petitioner's father was an employee of Kolkata Port Trust now known as Syama Prasad Mookherjee Port. The petitioner's father died on April 22, 1985. After the death of the petitioner's father, her mother was getting family pension. The petitioner's husband died on September 9, 2014. Thereafter, the petitioner started residing with her mother. She was completely dependent on her mother. Thereafter, the petitioner's mother died on June 6, 2015. After her death, the petitioner prayed for family pension, but the same was not granted by the Port Trust as the petitioner's name did not appear on the Family Declaration

Card/Nomination Papers filed with the office by the deceased employee, during his lifetime.

By a communication dated June 26, 2018, the petitioner was required to submit a declaratory order from a competent Court of Law regarding the entitlement of the family pension of the deceased employee. The petitioner submitted various documents including a Character Certificate issued by the Superintendent of Police, Bhojpur. Non-Employment Certificate was also issued from the Tehsildar's office in favour of the petitioner.

Since the Port Trust did not release the family pension in favour of the petitioner despite such character certificate, the petitioner had no option, but to file the instant writ petition. The petitioner had also submitted the affidavit affirmed before the First Class Magistrate, Bhojpur area before the Port Trust.

By an order dated November 17, 2022, this Court directed the District Magistrate, Bhojpur to file a report regarding the question whether the petitioner was the daughter/heir of late Narayan Ram. A report has been filed by the District Magistrate, Bhojpur in compliance with the order passed by this Court. From the said report vide letter no. 2980 dated December 26, 2022, it appears that the

petitioner Munni Devi is the daughter of Narayan Ram, since deceased, who was an employee of Syama Prasad Mookherjee Port.

Since the position with regard to the petitioner being the daughter of the deceased employee has been clarified by the report dated December 26, 2022, nothing further remains to be adjudicated in the present writ petition. The respondent no. 4 or any other officer authorized by him is directed to release the family pension in favour of the petitioner from the month of February onwards. The first payment will be made by February 10, 2023 and within the 10th day of each succeeding month, thereafter. The arrears of family pension as is payable to the petitioner from June 7, 2015 (the date succeeding the date of death of her mother) till the release of 1st family pension is to be released within four months from the date of the order.

Since neither the Nomination Form nor Family Declaration of the deceased employee contained the name of the petitioner, the issue of payment of interest to the petitioner has not been considered by this Court.

Needless to mention that such payment will be made upon completion of all the necessary formalities on behalf of the petitioner.

With the directions aforesaid, **W.P.A. 16530 of 2021** is **disposed of**.

All parties shall act on the server copy of this order duly downloaded from the **website** of this Court.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all the formalities.

(Lapita Banerji, J.)