

18.
25.7.2023
S.D.

W.P.A. 16024 of 2023

**Pravati Mandal
Vs.
Union of India & Ors.**

Mr. Manoranhan Jana
Mr. Radhasyam Maiti
..For the Petitioner

Mr. Siddhartha Lahiri
Mr. Narendra Prasad Gupta
...For the Respondent Nos. 1 and 2

The petitioner's husband was working as a permanent employee with the Kolkata Port Trust. The petitioner's husband died on December 5, 2022. Thereafter, the petitioner prayed for payment of family pension in her favour by a representation dated January 21, 2023 before the Chairman, KPT. The grievance of the petitioner is that such representation has not been considered till date.

Mr. Jana, learned counsel appearing on behalf of the petitioner submits that by a judgment dated July 25, 2014 passed by the District Magistrate (1st class), Kakdwip under Section 125 of the Code of Criminal Procedure, the petitioner's right to be maintained as the wife of the deceased employee

has been recognized. Therefore, family pension should have been granted in her favour.

Mr. Lahiri, learned counsel appearing on behalf of the Port Trust submits that the subsequent events from 2014 onwards are not brought on record and, therefore, it cannot be stated with certainty that the petitioner is not a divorced wife of the deceased employee.

Considering the rival submissions of the parties and the materials placed on record, this Court is of the view that the representation for family pension and other terminal benefits dated January 21, 2023 shall be disposed of by a reasoned order to be passed by the Chairman/the respondent no. 2, upon giving an opportunity of hearing to the petitioner and all other interested parties, within four weeks from date.

Such reasoned order shall be communicated to the petitioner within two weeks thereafter.

With the directions aforesaid, **W.P.A. 16024 of 2023 is disposed of.**

Since no affidavits have been directed to be exchanged in the present writ petition, all the allegations contained in the petition are deemed not to have been admitted by the parties.

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

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

(Lapita Banerji, J.)