

09.10.2023

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WPA 20757 of 2023

Moli Kundu @ Moli Kundu Roy
Vs.
The State of West Bengal & Ors.

Mr. Arkadipta Sengupta
Mr. Alminhaz Karim
Ms. Aayushi Mukherjee
... For the petitioner.

Dr. Madhu Sudan Saha Ray
... For respondent nos. 3-5.

Mr. Sanjay Mukherjee
... For respondent no. 6.

Mr. Gourav Das
Ms. Rajyashree Mukherjee
... For the State.

Let the affidavit-in-opposition filed by respondent no. 6 be kept with the records.

The petitioner is the second wife of the deceased employee, Bikash Roy, who was holding the post of a Professor at Gour Banga University at the time of his death. After his death on September 04, 2018, a dispute cropped up between the son from his first wife (respondent no. 6) and the petitioner with regard to the entitlement of his terminal dues. The marriage between Bikash, since deceased and his first wife had been dissolved by a decree dated September, 2018 on mutual consent.

It appears that in Misc. Succession Case No. 13 of 2022, learned Civil Judge (Senior Division), 1st Court at Malda issued a Succession Certificate jointly in the

name of the petitioner and respondent no. 6 to the extent of half share each in their favour.

Dr. Madhu Sudan Saha Ray, learned advocate representing the university submits that the university is ready and willing to disburse the Gratuity and Provident Fund amount in equal share in favour of the petitioner and respondent no 6. He further submits that with regard to the fixation of pension and leave encashment, some formalities are required to be complied with.

In that view, this writ petition is disposed of with a direction upon the university to disburse the Gratuity, Provident Fund and leave encashment amount of the deceased employee in equal share between the petitioner and respondent no. 6 as early as possible.

It is also expected that the university will take all the necessary steps with regard to the fixation of the monthly pension and leave encashment as early as possible. After the pension amount is determined, the university shall disburse the same along with arrear in favour of the petitioner and respondent no. 6 as per their entitlement in law.

Accordingly, WPA **20757 of 2023** is disposed of.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Kausik Chanda, J.)

