

15.12.2023
Ct. No.3
Item No.12
g.b./S.A.

**In the High Court at Calcutta
Jalpaiguri Circuit Bench**

WPA 2863 of 2023

**Jharna Kar
-vs-
The Union of India & Ors.**

Mr. Subinay Dey
Mr. Debanjan Das
...for the petitioner
Mr. Ajoy Kumar Singhanian
Mr. Sudip Kumar Paul
...for the respondents

In the reasoned order dated 12th May, 2023 being Annexure P-11 of the writ application it is found that the Commandant 71 BN BSF has written about succession certificate to be produced by the petitioner. When it appears from the enquiry of the BSF that the petitioner was the only person as the wife of the deceased BSF personnel, there cannot be any question of succession certificate as the family pension to be paid to the deceased personnel BSF is a statutory right.

The BSF Authority is directed to start paying the family pension to the petitioner by three months from date. If there is any claim from any other person for the family pension, namely Sunita Kar who is non-existence uptil now, the BSF Authority should

intimate such thing to the petitioner. Thereafter they will heard both and if the other claimant, namely, Sunita Kar, if she exists at all, can produce the marriage certificate before the appropriate authority, the question of family pension should be reopened, otherwise not.

The respondent no.3 is directed to disburse the family pension, according to the learned advocate for the BSF, he is the appropriate authority to disburse the family pension.

With the above observation and direction, this writ application is disposed of.

(Abhijit Gangopadhyay, J.)