

WPO/319/2023
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

PRODIP KUMAR MUKHERJEE & ANR.
VERSUS
THE STATE OF WEST BENGAL & ORS.

BEFORE:
The Hon'ble JUSTICE LAPITA BANERJI
Date: 24th March, 2023.

Appearance:
Mr. Debdutta Basu, Adv.
For the petitioner.

Mr. Niladri Bhattacharjee, Adv.
Ms. Deblina Chattaraj, Adv.
Ms. Angana Dutta, Adv.
Ms. Sristi Paul, Adv.
For WBTC Ltd.

Mr. Naba Kumar Das, Adv.
Mr. Subhabrata Das, Adv.
For the State Respondents.

Mr. Srinjay Sengupta, Adv.
Mr. Saurav Roy, Adv.
Mr. Narattom Acharyya, Adv.
Mr. Ankush Ghosh, Adv.
Ms. Anika Ahmed, Adv.
For the proforma respondent.

The Court :- The writ petitioners are parents of an ex employee of the West Bengal Transport Corporation Limited (WBTCCL). The son of the writ petitioners resigned from service with effect from September 14, 2022. The said resignation was accepted on October 19, 2022. The said son of the writ petitioners died on December 14, 2022 before the terminal benefits were disbursed to him.

It is the claim of the writ petitioners that the terminal benefits have not yet been disbursed till date even though the writ petitioner no.2/the mother of the deceased employee was the 100% nominee of her son.

The private respondent no.6 is the son of the deceased employee. The deceased employee was divorced from his wife.

Mr. Sengupta learned advocate appears on behalf of the private respondent.

Ms. Chattaraj learned advocate appears on behalf of WBTCCL. She submits that since the rival claims were made by the parties the terminal dues were not released in favour of the writ petitioner no.2/mother.

Considering the submissions of the parties and the materials on record, this Court is of the view that since the mother was 100% nominee of the deceased employee the entirety of the terminal benefits should have been disbursed to the mother. This Court also finds that no explanation for not handing over the terminal benefits to the deceased employee when he died after three months from the date of his resignation. In any event, since the said benefits were not handed over to the deceased employee, the employer was under an obligation to hand over the financial benefits to the 100% nominee in the nomination form.

In the light of such discussions, this Court directs the entirety of the terminal benefits to be handed over to the petitioner no.2 within eight weeks from date.

It is made clear that this Court has not gone into the issue of the entitlement of the private respondent no.6. Claim, if any, of the private

respondent no.6 is in the nature of a private dispute between the petitioner no. 2 and the private respondent and the Writ Court is not the appropriate forum for adjudication of the same.

With the directions aforesaid, **WPO No. 319 of 2023** is **disposed of**.

Since no directions for filing affidavits have been invited in the present writ petition, all the allegations contained therein are deemed not to have been admitted by the parties.

All parties to act on a server copy of this order downloaded from the official website of this Court.

(LAPITA BANERJI, J.)