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03.04.2024
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 2454 of 2024

Smt. Angurbala Das & Ors.
Vs.
Union of India & Ors.

Mr. Swarup Banerjee,
Mr. Sajal Kumar Ghosh
... for the petitioners

Mr. Asok Kumar Chakraborti,
Mr. Sukumar Bhattacharyya
...for the Union of India

1. The petitioners submit that the petitioner no. 1 is the widow of a deceased freedom fighter, who was getting freedom fighters' pension under the Swatantrata Sainik Samman Pension Scheme.
2. When the petitioner no. 1 applied for getting such pension on the demise of her husband, the same has not been acted upon by the respondent-authorities.
3. Learned counsel appearing for the respondent-authorities contends that the petitioner no. 1 filed her application after six months from the date of death of her husband. However, in his usual fairness, learned counsel submits that the respondents shall consider her application in due

process of law and decide on the same within an outer limit of six weeks from date.

4. It is also pointed out that the major sons of the deceased freedom fighter have also preferred the instant writ petition although they are not entitled under the Scheme.

5. Even on a cursory perusal of the cause title of the writ petition, it is evident that the petitioner nos. 2 to 4 have been impleaded redundantly, since being major sons of the freedom fighter and not entitled to the benefit of the Scheme, they were not required to be impleaded as parties.

6. However, superfluous misjoinder by itself is not a ground for dismissal of a writ petition.

7. Accordingly, since the petitioner no. 1-widow has applied for such pension as indicated above, the respondents are required to look into the same expeditiously.

8. Accordingly, W.P.A. No. 2454 of 2024 is disposed of by directing the respondent no. 2, that is, the Chief Secretary, State of West Bengal, Ministry of Home Affairs and the respondent no. 3, that is, the Deputy Secretary, Ministry of Home Affairs, Freedom Fighters' Division, to consider the application of the petitioner no. 1 within six weeks from date and to decide on the same in accordance with law and the concerned Scheme.

9. Immediately thereafter, the said respondents shall communicate the outcome of such decision to the petitioner no. 1 in writing and take subsequent steps for disbursal of the pension to the petitioner no. 1 if her application is favourably decided.

10. There will be no order as to costs.

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

(Sabyasachi Bhattacharyya, J.)