

09.02.2024
Court No.13
Item No. 213
AP

WPA 2980 of 2021

**Kanika (Dhara) Mondal
Vs.
The State of West Bengal & Ors.**

Mr. Sanjib Seth

... .. for the Petitioner.

Mr. Pinaki Dhole

Mr. Md. Ziaur Rehman

... .. for the State.

1. The rejoinder entitled affidavit-in-opposition filed by the respondents to the reply of the writ petitioner is kept with the record.

2. Having heard the arguments advanced on behalf of the writ petitioner and the respondents, following facts have emerged:-

3. The writ petitioner is the lawfully married second wife of Ranajit Kumar Mondal @ Ranajit Mondal, who was an Assistant Teacher of Modai Converted Junior Basic School, Village – Modai, PO – Dakshin Ramchandrapur, PS – Uluberia, Dist – Howrah. He retired from service on 28th February, 2015. He was drawing pension as per PPO dated 17th February, 2015.

4. In the PPO the only dependent person mentioned was Bappa Mondal, son from the first marriage with one Smt. Kamala Mondal. The deceased obtained a decree of divorce with Smt.

Kamala Mondal on 22nd March, 1988 in MAT Suit No.101 of 1986 passed by the learned Additional District Judge, 3rd Court, Howrah.

5. The writ petitioner claims to have married the said Ranajit Kumar Mondal @ Ranajit Mondal on 7th December, 1995. Matrimonial disputes and differences also cropped up between the writ petitioner and the late Ranajit Kumar Mondal @ Ranajit Mondal.

6. The writ petitioner took out proceedings under Section 125 of the CrPC in Misc. Case No.4 of 2003 before the Court of the A.C.J.M., Uluberia. Maintenance was ordered. The said order of maintenance came to be confirmed by the 5th Additional District and Sessions Judge, Howrah in Criminal Revision No.3 of 2007. The aforesaid proceedings contested by the deceased clearly establish that the petitioner and the late Ranjit Kumar Mondal were lawful husband and wife.

7. It is indeed true that the writ petitioner's name as a lawfully married wife of Ranajit Kumar Mondal @ Ranajit Mondal is not mentioned in his service records or his PPO.

8. Ranajit Kumar Mondal @ Ranajit Mondal died on 6th September, 2020. The writ petitioner applied for pension as his widow. The respondents, not

having any records of the writ petitioner, obviously denied pension to her.

9. The respondents cannot really be blamed in this regard. The writ petitioner only produced a single photograph of her in her application before the respondents.

10. This Court, however, notices the orders of the A.C.J.M., Uluberia (supra) and 5th Additional District and Sessions Judge, Howrah (supra), in which the writ petitioner has been recognized as a lawfully married wife of Ranajit Kumar Mondal @ Ranajit Mondal. It is essentially in this light that the orders have been passed in her favour by the aforesaid two Courts under section 125 of the CrPC.

11. In that view of the matter, the writ petitioner would be entitled to family pension on account of the death of late Ranajit Kumar Mondal @ Ranajit Mondal, Assistant Teacher, with effect from the next date of death of the original pensioner concerned i.e. 7th September, 2020.

12. It is ordered that a fresh PPO be issued by the DPPG, West Bengal based on the PPO of Ranajit Kumar Mondal @ Ranajit Mondal annexed to the writ petition.

13. The writ petitioner shall be entitled to arrears of pension from 7th September, 2020 till date, however, without any interest. Interest is denied to the writ petitioner since she did not supply proper documents, particularly evidence of her marriage or even the orders of the A.C.J.M., Uluberia (supra) and 5th Additional District and Sessions Judge, Howrah (supra) to the respondents.

14. Upon receipt of a copy of this order along with the writ petition and the other pleadings herein, the DPPG, West Bengal shall issue a fresh PPO in favour of the writ petitioner within a period of one month from date and pay her arrears within a period of two months thereafter.

15. With the aforesaid directions, the writ petition is disposed of.

16. There shall be no order as to costs.

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

(Rajasekhar Mantha, J.)