

08.08.2024

Ct. 23

D/L 2

ab

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

WPA 11223 of 2024

Joshni Jeswara @ Krishna Ghosh

-Vs-

Union of India & Ors.

Mr. Milan Chandra Bhattacharya,
Mr. Gautam Banerjee,
Mrs. Sulagna Bhattacharya

... for the petitioner

Mr. Indranil Munshi,
Ms. Vedika Bhotika,
Ms. Anushka Sarkhel

... for the respondent nos. 2 to 4

Mr. Debasish Saha,
Ms. Sucheta Pal

... for the State Bank of India

Mr. Debasish Saha, learned advocate instructed by Ms. Sucheta Pal, learned advocate appears on behalf of the State Bank of India (SBI) and produces photocopy of the documents maintained with the SBI, Kidderpore Dock Yard Area Branch in respect of pension account of Antu Jeswara, a retired employee of Calcutta Dock Labour Board and the same are taken on record.

It appears from the said documents and the answers given by the Bank with regard to the queries made by this Court that the pension account is in the name of Antu Jeswara. The said account is still active.

It is a single account in the name of Antu Jeswara. Last pension paid was still July, 2022 amounting to Rs. 11,350/- out of which, the excess pension paid for July, 2022 and the residual days of June, 2022 was recovered on 12th September, 2022 aggregating to Rs. 17,403/-. At the present, the account balance is Rs. 55,489.42. In the e-KYC documents submitted by Antu Jeswara to the bank, there is mention of the name of Sukumar Ghosh in the Aadhaar Card. There was a rectification application for the Aadhaar Card and it was rectified in the name of Antu Jeswara on 27th November, 2020.

The petitioner namely, Joshni Jeswara, who claims to be the wife of Antu Jeswara, says that she is also known as Krishna Ghosh. The details of the family pension card issued by the Chief Accounts Officer, Calcutta Dock Labour Board, a copy whereof is annexed at page 15 of the writ petition shows an attested photograph of the husband and wife. The petitioner says that from the said photograph, it can be easily verified that Joshni Jeswara and Krishna Ghosh is the same and identical person. The photograph of Antu Jeswara, appearing in the said document can be compared with the Aadhaar Card wherein the name of Sukumar Ghosh was notified. This will also establish that Antu Jeswara and Sukumar Ghosh is the same and identical person. The petitioner also refers to page

17 of the writ petition being the photocopy of the Pension Payment Order with personal details issued by the Calcutta Dock Labour Board. The petitioner has also referred to photocopy of two affidavits affirmed on 14th September, 2022 by Antu Jeswara and Krishna Ghosh as the wife of Antu Jeswara. There is no other claimant, who has come forward to claim family pension as the wife of Antu Jeswara. The petitioner, relying upon the said documents, says that the identity of the petitioner, as the wife of Antu Jeswara also known as Sukumar Ghosh, can easily be ascertained by the Calcutta Dock Labour Board.

After hearing the parties and considering the documents on record including the documents produced by SBI, it appears that there is a cloud in respect of the identity of the writ petitioner created as she is also known as Krishna Ghosh, wife of Antu Jeswara, who is also known as Sukumar Ghosh. This factual discrepancy cannot be authoritatively gone into by this Court while exercising writ jurisdiction.

In the aforesaid facts and circumstances, the Chief Accounts Officer or Chief Accounts Officer-in-Charge, Calcutta Dock Labour Board shall call the petitioner for a personal hearing in the presence of the Branch Manager, State Bank of India, Kidderpore Dock Yard Area Branch to ascertain the identity of the writ petitioner namely, Joshni Jeswara and find out whether

Krishna Ghosh and Joshni Jeswara are the same and identical person and is also the wife of Antu Jeswara and Sukumar Ghosh, after considering the original documents that may be produced by the writ petitioner, the documents that may be placed from the side of the Bank with those available with Calcutta Dock Labour Board. The entire exercise should be completed within a period of four months from the date of communication of this order.

In the event, the Chief Accounts Officer or Chief Accounts Officer-in-Charge, Calcutta Dock Labour Board comes to the finding that Joshni Jeswara and Krishna Ghosh is the same and identical person and is the wife of Antu Jeswara since deceased, who is also known as Sukumar Ghosh, then appropriate recommendations may be made for issuing family pension in favour of the wife of Antu Jeswara after complying with all legal procedures. The Chief Accounts Officer or Chief Accounts Officer-in-Charge, Calcutta Dock Labour Board is free to take assistance of the police authority or the Vigilance Department of Calcutta Dock Labour Board, if necessary, for ascertaining the identity of the writ petitioner. If, Joshni Jeswara (petitioner is not found to be the same person or the wife of Antu Jeswara, the same be also recorded while rejecting the petitioner's claim.

Nothing further remains to be adjudicated in this writ petition. The same is accordingly disposed of.

Since I have not called for any affidavits, the allegations contained in the writ petition are deemed to have not been admitted by the respondents.

Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Arindam Mukherjee, J.)