

23
08.08.2024
KC

WPA No. 13958 of 2023

Dona Mahanta
Vs.
Sashastra Seema Bal & Ors.

Mr. Saunak Mukherjee
Ms. Dipanwita Das

... for the petitioner.

Mr. Sukumar Bhattacharya

... for the UOI.

Mr. Supratim Dhar
Mr. Santimoy Bhattacharya

... for the private respondent.

The grievance of the petitioner is directed against the retirement benefits of the Late Badal Mahanta, who was an employee of respondent no. 1 and the father of the petitioner.

It is alleged on behalf of the petitioner that the petitioner was born on February 18, 2000 and his parents were Badal Mahanta and Ariti Das. Thereafter, the said Badal Mahanta and Ariti Das filed a divorce proceeding. On March 9, 2022, Badal Mahanta died in harness. Thus, the petitioner claims entitlement in respect of 1/5 share of the family pension of late Badal Mahanta. It is further alleged that despite submitting all relevant documents, the respondent

authorities have failed to accede to the request of the petitioner.

On behalf of the private respondent, it is submitted that the petitioner has no locus whatsoever and the entire claim of the petitioner is liable to be rejected. It is however submitted that that Badal Mahanta never treated the petitioner as his daughter and there was also no mention of the petitioner in the divorce proceedings filed by and between the said Badal Mahanta and Abriti Das. Moreover, the said Badal Mahanta never declared the petitioner as a legal heir or nominee or successor in any of the documents filed with the respondent authorities.

The question of entitlement of the petitioner in the peculiar facts and circumstances of the case is a disputed question of fact and law and cannot be adjudicated upon in a summary proceeding of this nature. There is no documentation filed with the respondent authorities whereby the Late Badal Mahanta has accepted the petitioner as a nominee. In view of the above, there is no illegality in the impugned communication. There are no grounds to interfere with the impugned communication.

Accordingly, WPA 13958 of 2023 stands dismissed. The petitioner is granted liberty to approach the respondent authorities and furnish

all information as sought for by them in accordance with law. There shall, however, be no order as to costs.

(Ravi Krishan Kapur, J.)