

10-05-2024
Item No.88 ML
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

WPA No.15460 of 2022
Smt. Basanti Mullick & Anr.

-vs-

The Kolkata Municipal Corporation & Ors.

Dr. Rudra Prasad Motilal ...for the petitioner

Mr. Alak Kumar Ghosh
Mr. Swapan Kr Debnath ...for the Corporation

The first petitioner claims to be the second wife of one Ashok Mullick who was an employee of the Kolkata Municipal Corporation, since deceased. On the demise of the employee, the second wife and her daughter, the second petitioner, have approached this court seeking death benefits of the deceased employee.

Law does not permit a Hindu employee to marry more than once without dissolution of the first marriage. Learned advocate for the petitioners is unable to produce any law permitting disbursement of death benefits to the second wife.

As the second marriage does not appear to be a legal one, accordingly, no relief regarding service benefits can be granted to the widow or her daughter. The writ petition is misconceived and is liable to be dismissed.

The writ petition is hereby dismissed. No order as to costs.

Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]

