

13.12.2024
rpan/01-02

WPCT 134 of 2024
Smt. Bhagmani Devi *alias* Bhagmani Gupta
- Versus -
The State of West Bengal & Others

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IA No.1 of 2024

In Re.: Smt. Bhagmani Devi *alias* Bhagmani Gupta & Anr.
- Applicants

AND

WPCT 137 of 2024
Smt. Bhagmani Devi *alias* Bhagmani Gupta
- Versus -
The State of West Bengal & Others

+

IA No.1 of 2024

In Re.: Smt. Bhagmani Devi *alias* Bhagmani Gupta & Anr.
- Applicants

Mr. Asit Baran Raut,
Ms. Ishita Raut,
Mr. Sanjay Mondal,
Ms. Neha Gupta
...for the Petitioner/Applicant No1.
[in both the matters]

Mr. Arjun Roy Mukherjee
...for the State/Respondents
[in both the matters].

Mr. Partha Sarathi Das,
Ms. Shanta Sarkar,
Ms. Souraja De
... for the Respondent no.7/Applicant No.2
[in both the matters].

Since the same issues are involved in both the writ petitions, they are taken up for analogous hearing.

One Sanjiva Kumar Gupta was the husband of the writ petitioner in both writ petitions. Mr. Gupta was an employee of the Department of Health, Government of West Bengal. He

married the writ petitioner, Smt. Bhagmani Devi alias Bhagmani Gupta (hereinafter referred to as Bhagmani), in 1983, and from their marriage, a daughter was born in 1988.

Subsequently, Mr. Gupta contracted a second marriage during the subsistence of his first marriage, with one Bina Gupta (hereinafter referred to as Bina), the respondent no. 7 in both writ petitions and a son, namely Rajdeep Gupta was born from this marriage.

Mr. Gupta died in harness on 21st October 2017. Disputes then arose between the writ petitioner and respondent no. 7 regarding the disbursement of family pension, retiral benefits, and appointment on compassionate grounds. Both wives made rival claims for the family pension and retiral benefits.

The writ petitioner submitted a representation to the concerned authority seeking the release of her family pension and retiral benefits. However, despite receiving the representation, the authority concerned did not take any effective steps, compelling the writ petitioner to approach the learned Tribunal by filing OA 239 of 2019. The writ petitioner also submitted a representation seeking an appointment on compassionate grounds for her daughter. However, the said representation was kept in abeyance, prompting the petitioner to file another original application, OA 455 of 2020, before the learned Tribunal. The learned Tribunal disposed of both applications on the same date i.e. on 19th February 2024, by passing two separate orders. Challenging these two orders, the present writ petitions have been filed.

During the pendency of these writ petitions, the writ petitioner, Smt. Bhagmani, and the private respondent no. 7, Smt. Bina, have settled their disputes amicably out of court. Accordingly, two joint applications, namely IA No. CAN 1 of 2024 in WPST 134 of 2024 and IA No. CAN 1 of 2024 in WPST 137 of 2024, have been filed, indicating that they have mutually agreed that Bhagmani shall receive the family pension and 70% (seventy percent) of the retiral benefits. On the other hand, Smt. Bina shall receive 30% (thirty percent) of the retiral benefits, and the Bina's son, Rajdeep Gupta, will claim compassionate appointment for himself.

We have been informed that Rajdeep Gupta has already submitted a representation seeking his appointment on compassionate grounds, which is still pending before the concerned authority.

Since the parties have settled their disputes amicably, we dispose of the writ petitions and the connected applications by directing respondent no. 5 to release the family pension and retiral benefits in terms of the joint agreement reached by the parties, and to consider the prayer for compassionate appointment of Rajdeep Gupta in accordance with law.

Bhagmani and Bina shall submit a joint representation, enclosing copies of the applications and the certified copy of this order, within one week after the vacation, to enable respondent no. 5 to adhere to the directions given hereinabove.

The entire exercise shall be carried out and/or completed within six weeks from the date of receipt of the joint representation and documents.

Both writ petitions are, thus, disposed of. There shall, however, be no order as to costs.

All parties shall act on the basis of the server copy of this order.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties, upon compliance of all requisite formalities.

(Partha Sarathi Chatterjee, J.) (Tapabrata Chakraborty, J.)