

17.05.2024.
Court No.13
Item No. 51
pk

W.P.A. No. 16910 of 2022

Jibananda Barman
Vs.
State of West Bengal & Ors.

Mr. Soumen Kumar Dutta,
Mr. S. Dutta,
Mr. Sayan Uddin

...For the petitioner.

Ms. Sanjukta Samanta Mitra

... For the State.

Ms. Sohini Bhattacharyya

... For the private respondent.

1. The substituted writ petitioner Chandan Kumar Barman is the brother of the deceased teacher, Rita Barman. The original writ petitioner is the maternal grand father.

2. The grand father contended before this Court that he wishes to be the custodian of the son's share of terminal benefits on account of service of his daughter Rita Barman. Admittedly, there were marital disputes of Rita Barman during her lifetime with her husband/the respondent no. 6.

3. The grand father has instituted proceedings before the District Judge, Purba Medinipur under the provisions of Guardians and Wards Act for custodian of the child and the same has been contested by the father.

4. The substituted petitioner Chandan Kumar Barman now wishes to act as guardian for the minor child.

5. By an order dated 25.01.2023 a Coordinate Bench had restrained the D. I. of Schools from disbursing any terminal benefits to the petitioner, to the respondent no. 6 or any party.

6. This Court is of the view that the rival claim between the maternal side of the child and the 6th respondent being the father over the terminal benefits of Rita Barman and custody of the minor child may be decided in the proceedings of Guardians and Wards Act by the District Judge, Purba Medinipur and/or the transferee court, namely, Additional District Judge, First Court, Contai.

7. It is ordered that the said proceedings being Case No. 12 of 2020 under Act 8 be disposed of by the Additional District Judge, Contai positively within a period of four months from the date of communication of a copy of this order.

8. The D. I. of Schools (PE) shall keep pension papers and other terminal benefits payable on account of the service of Rita Barman with himself and act as per the directions of the Additional District Judge, Contai in the aforesaid case no. 12 of 2020 under Act 8 of the Guardians and Words Act.

9. The Registry of this Court shall communicate a copy of this order along with the parties to the Additional District Judge, Contai.
10. The writ petition is disposed of.
11. There will be no order as to costs.

(Rajasekhar Mantha, J.)