

Item-14. 02-01-2024

FMA 1211 of 2022
CAN 1 of 2023

sg Ct. 8

Basudeb Hati
Versus
The State of West Bengal & Ors.

Mr. Subhas Chandra Alha, Adv.
Ms. Payel Paramanik, Adv.
...for the petitioner
Mr. Supriyo Chattopadhyay, Adv.
Mr. Sabyasachi Mondal, Adv.
...for the State

1. The appeal is arising out of an order dated 15th June, 2022 in a writ petition in which the appellant has prayed for a direction upon the Director of Pension, Provident Fund and Group Insurance, Finance Department, Government of West Bengal, for release of pensionary benefits to the appellant.
2. The original writ petitioner died during the pendency of the writ petition and she was substituted by Basudeb Hati. Bimala Hati is the wife of the deceased employee, Manohar Hati and Basudeb is the son of Manohar Hati. Bimala received pension on account of her deceased husband from 21st December, 2013 till her death. The original writ petition was filed for the purpose of receiving lifetime pension of Manohar with effect from 1st April, 1995 upto 21st December, 2013.
3. The learned Single Judge disposed of the writ petition by directing the Treasury Officer, Bishnupur Treasury to disburse the said lifetime arrear of pension of late Manohar Hati to the legal heirs of Bimala Hati in equal share. They are the substituted petitioner nos. 1(a) to 1(g). The substituted petitioners were directed to communicate the bank accounts

to the concerned Treasury Office.

4. The learned Counsel for the appellant submits that her mother, Bimala Hati, during her lifetime executed a Will and a probate was granted in favour of the present appellant on 24th July, 2023.
5. In view of this subsequent development, none of the substituted legal heirs would be entitled to any share of the lifetime arrear pension. However, this is a subsequent fact that in the absence of the Will, the direction passed by the learned Single Judge was appropriate and does not call for any interference.
6. However, by reason of the subsequent events, we direct the Treasury Officer, Bishnupur Treasury, to disburse the lifetime arrear of pension to the appellant for the period from 1st April, 1995 to 21st December, 2023 upon production of an authenticated copy of the probate granted by the Civil Judge (Junior Division), Bishnupur on 24th July, 2023 and on compliance of all statutory formalities within a period of eight weeks from the date of communication of this order.
7. The appeal and the application are, accordingly, disposed of. However, there shall be no order as to costs.
8. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Uday Kumar, J.)

(Soumen Sen, J.)