

07.02.2024

Mithun

List – D/L

Sl. No. 33.

Ct. No. 238.

WPA 21100 of 2023

Binapani Murmu

-Vs.-

State of West Benga & Ors.

Mr. S. Basu,
Ms. A. Roy

...for respondent No.8.

Mr. Kanailal Samanta,
Mr. Jakir Hossain

...for respondent No.4.

Mr. Rezaul Hossain

...for the State.

Unfortunately, husband of the petitioner, who was an Assistant Professor at Mahisadal Raj College, died in harness when he was 35 years of age only.

The petitioner, after her husband's death, approached this Court for release of the terminal benefits in her favour. A Co-ordinate Bench of this Court by an order dated March 30, 2022 passed in WPA 18064 of 2021 (Binapani Murmu versus the State of West Bengal) directed the Principal of the relevant college to take a decision on the entitlement of her deceased husband's terminal benefits by a reasoned order within four weeks. Following the aforesaid order, the Principal of the college by an order dated May 10, 2022, came to a finding that the petitioner, her minor daughter and her mother-in-law are jointly entitled to the terminal benefits in equal one-third share each.

After the said order, nothing was paid to the petitioner. She again approached this Court and another Co-ordinate Bench of this Court by an order dated November 14, 2022, passed in WPA 16379 of 2022 (Binapani Murmu versus the State of West Bengal) directed the Director of Public Instructions, West Bengal to deposit the entire service benefit with the Registrar General of this Court. The Registrar General was directed to disburse the amount in terms of the order dated March 30, 2022 passed in WPA 18064 of 2021.

In compliance with the said order dated November 14, 2022 a sum of Rs.16,83,564/- was deposited as service benefits including family pension with the Registrar General, High Court, Calcutta, out of which a sum of Rs.5,61,188/- each was disbursed to the petitioner and her minor daughter. Remaining one-third of the aforesaid amount could not be disbursed to the mother-in-law of the petitioner since she did not approach the High Court Administration for accepting her share, despite official correspondence through speed post.

On January 24, 2024 this Court directed the petitioner to add her mother-in-law as respondent in this writ petition and to serve a copy of the writ petition upon her.

Today, an affidavit of service has been filed by the petitioner showing service of the petition upon the added respondent. No one, however, represents her.

I am not inclined to keep this writ petition pending. It is an admitted position by all the parties present before this Court that the petitioner being the widow of the deceased employee is entitled to get the family pension.

From the relevant nomination papers, it also transpires that the deceased employee made the petitioner as his nominee for receiving the family pension.

In view of the above, this writ petition is disposed of with a direction upon the respondents to disburse the family pension in favour of the petitioner along with arrear within two months from the date of communication of this order.

The amount lying with the Registrar General as the share of the added respondent, Smt. Padmabati Murmu shall be disbursed in her favour by the State District Legal Aid Committee, Purulia, within a period of two months from this date upon being satisfied with her identity. The Registrar General shall immediately take all necessary steps in this regard.

Accordingly, WPA 21100 of 2023 is disposed of.

(Kausik Chanda, J.)