

**08.08.2024**

**Sl. No. 201**

**Ct. No. 23**

**Srimanta**

**WPA/23388/2023**

**Lalita Devi & Anr.**

**-Vs.-**

**WBSEDCL and Ors.**

Mr. Kishore Mukherjee,

Ms. Suman Biswas

...for the petitioners.

Mr. Sujit Sankar Koley

...for the WBSEDCL.

The petitioner no. 1 claims to be the widow of Jagdeo Narayan Singh (since deceased), a former employee of West Bengal State Electricity Development Corporation Limited (in short, WBSEDCL). Jagdeo Singh died in harness on 27<sup>th</sup> January, 2010. Brajesh Kumar Singh, the petitioner no. 2 claims to be the son of Jagdeo Narayan Singh and Lalita Devi. The petitioner no. 2 had sought for compassionate appointment which has been turned down by WBSEDCL. The petitioners have challenged the order rejecting the prayer for compassionate appointment in favour of petitioner no. 2. The petitioners have also sought for a mandamus directing the respondent authorities to pay the gratuity aggregating to Rs. 7,98,816/-. On behalf of WBSEDCL it is submitted that two conflicting claims have been submitted. Petitioner no. 1 is claiming to be the wife of the deceased employee while one Smt.

Balaka Singh having Aadhar No. 475047781234 has also claimed to be the wife of the deceased employee. Two succession certificates one issued in favour of Lalita Devi (petitioner no. 1) by the learned District Judge, Kodarma, Jharkhand while another succession certificate in favour of Balaka Singh has been also issued by the Principal District and Sessions Judge, Kodarma, Jharkhand. The succession certificate in favour of Balaka Singh has been issued on 23<sup>rd</sup> May, 2019 while that in favour of Lalita Devi (petitioner no. 1) appears to have been issued on 18<sup>th</sup> April, 2019. In the proceedings filed by Smt. Balaka Singh, Lalita Devi is opposite party no. 1. It is submitted on behalf of WBSEDCL that in this situation the employer is at a loss as to whom the payment is required to be made. In fact, WBSEDCL has been served with a copy of an order obtained by Sanju Singh, Chaina Singh and Amrita Singh, all claiming to be heiresses of Jagdeo Narayan Singh, the deceased employee from the Court of the Civil Judge (Senior Division), Purulia directing payment of the gratuity of Late Jagdeo Narayan Singh to the said three ladies. The matter is tainted with disputed questions of fact which cannot be come into a writ jurisdiction. There are also orders passed by Civil Courts declaring the respective right and interest.

In the aforesaid facts and circumstances particularly when the prayer challenging the refusal to grant compassionate appointment has been turned down by an order dated 11<sup>th</sup> October, 2023, this writ petition is disposed of granting the petitioners liberty to approach the appropriate Civil Court for redressal of their grievances.

**(Arindam Mukherjee, J.)**