

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 26810 of 2023

Panchulal Methore
Vs.
The State of West Bengal & Ors.

Mr. Shambhunath Roy
Ms. Tuhina Parvin
Ms. Amrita Tewari
Ms. Sonia Das
... For the petitioner

Mr. Suman Ghosh
Mr. Soumen Chatterjee
... For the State

Mr. Niladri Bhattacharjee
Ms. Deblina Chattaraj
... For the Corporation

1. Let Smt. Sri Devi Hela be added as a party respondent to this proceeding.
2. Learned advocate-on-record of the petitioner shall amend the cause title of the writ petition in course of the day.
3. The respondent Calcutta Tramways Company (CTC) is represented. It is firstly submitted that the writ petition has been affirmed by the niece of the petitioner for receiving terminal benefits. It is next submitted by the respondents that the wife of the writ petitioner has filed a civil suit, being Title Suit No.174 of 2023 [Smt. Sri Devi Hela (Mehta) v. Sri Panchu Das & Ors.] which is now

pending before the learned Second Civil Judge (Junior Division) at Sealdah. In the said suit, by an order of injunction, the respondent employer has been restrained by the interim order dated 21st December, 2023 not disburse any terminal benefits to the defendant no.1 until the next date, i.e., 7th February, 2024.

4. This Court has not been apprised as to whether the order of injunction is continuing as on date.

5. Learned counsel for the petitioner submits that the said Smt. Sri Devi Hela has been leaving separately from the petitioner for 25 years. Although there is no formal declaration by any Court dissolving the marriage, it is submitted that the marriage has died emotionally.

6. In the backdrop of the above, this Court is of the view that the remedy of the petitioner is to seek relief in the aforesaid civil suit in accordance with law. The respondents shall abide by any order passed by the civil court.

7. Needless to mention that if it is communicated to the respondents that the injunction has been vacated or not continued any further, the terminal benefits on account of the service of the petitioner shall be payable to her.

8. The respondent no.2 shall communicate a copy of this order to Smt. Sri Devi Hela along with a copy of the writ petition.

9. With the above observation and direction, the writ petition, being WPA 26810 of 2023, stands disposed of.

10. Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

(Rajasekhar Mantha, J.)