

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

65 02.9.2024
kc Ct. no.2

WPA 817 OF 2024

SANEKA BARMAN @
SHONEKA BARMAN

Vs.

THE UNION OF INDIA AND ORS.

Mr. Kalipada Das

....For the Petitioner

Mr. Sudipto Kumar Mazumdar, Ld. DSGI
Mr. Ajoy Kumar Singhania, Adv.

....For the Railways Authority

Mr. Kalipada Das, learned advocate, appears
for the petitioner.

Mr. Ajoy Kumar Singhania, learned counsel,
appears for the Railways authority.

The petitioner claims to be the wife of the deceased Railway employee. **Annexure P-4** at **page 15** to the writ petition being the death certificate shows that the deceased employee died on **January 14, 2011**. The Provident Fund nomination form **annexure P-5** at **page 16** to the writ petition shows the nomination was made in favour of the petitioner by the deceased employee being his wife. Two sons were also there at the relevant point of time.

Mr. Singhania, learned counsel appearing for the Railways submits a report dated July 22, 2024

issued under the seal and signature of the Assistant Personnel Officer, North Frontier Railway/Alipurduar Junction. The report is taken on record.

Relying upon the said report Mr. Singhania submits that there are multiple civil proceedings in which claims and rival claims are made by at least three alleged wives of the deceased employee and their respective children. Learned Railway counsel submits that unless a proper succession certificate is submitted by the actual legal heir who is eligible to receive that death benefit of the deceased employee, the employer cannot take any further step.

After considering the rival contentions of the parties and upon perusal of the materials on record, it appears to this Court that to adjudicate upon the issue involved in this writ petition multiple disputed questions of facts for which trials are already pending before the jurisdictional Civil Courts, are required to be gone into. This is not permitted in law to be gone into by a Writ Court, more so when disputes are pending before the Civil Courts.

In view of the above, this Court is of the considered view that this writ petition is totally devoid of any merit and is liable to be dismissed.

Accordingly, this writ petition **W.P.A. 817 of 2024** stands dismissed, without any order as to costs.

However, the petitioner and all the rival parties with their rival claims in respect of the death employment benefit of the deceased railway employee shall be at liberty to pursue their claims before the appropriate jurisdictional Civil Courts. It is made clear that this Court has not gone into the merits of the claims and rival claims of the rival parties.

The petitioner shall also be at liberty to initiate appropriate proceeding for obtaining succession certificate, if the petitioner is eligible to receive the same strictly in accordance with law from the jurisdictional Civil Court. The petitioner if initiates any proceedings before the Jurisdictional Civil Court for obtaining succession certificate, she must and should include and implead all rival claimants therein. The petitioner shall also produce a copy of this order before all the Civil Courts where the proceedings are already pending and if the petitioner applies for successions certificate before that Civil Court also.

(Aniruddha Roy, J.)