

ML 207
13.05.2025
AGM

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 2651 of 2025

**Aparna Choudhury Misra
-versus
Union of India & Ors.**

**Mr. Ankit Agarwala.
Mr. Abhishek Dutt.**

... For the petitioner.

**Mr. Indrajit Dasgupta.
Mr. Madhu Jana.**

... for the respondent nos. 1 to 6.

1. Supplementary affidavit filed by the petitioner is also retained with the records.

2. Affidavit-of-service filed today in Court be kept with the records. None represents the private respondent.

3. The petitioner claims to be the legally married wife of the private respondent who was serving in the Central Government Health Service.

4. The petitioner used to get medical benefit because her name was incorporated in the health card of the employee.

5. The petitioner alleges that she is not receiving the medical facility from the end of 2019.

6. Several representations were filed before the authority but none has been considered.

7. Learned advocate representing the Central Government relies on the instruction forwarded by the Additional Director, CGHS signed on 12th February, 2025 wherefrom it appears that the employee never

applied in the prescribed format to insert the name of the petitioner as his legally married wife in his service record.

8. In the declaration filed by the employee with regard to the details of family, the employee mentioned the name of one Smt. Rita Misra as his wife and also in the pension paper submitted on 4th July, 2024, he endorsed the name of the same Smt. Rita Misra as his wife.

9. The instruction forwarded by the authority further reveals that the employee got married to the said Smt. Rita Misra on 7th May, 1990 and a copy of the decree of divorce between the employee and Smt. Rita Misra dated 10th December, 2010 issued by the District Judge, Hooghly is available on record.

10. There is no evidence of re-marriage of the employee with the petitioner herein and there is no evidence of severing of the marital tie of the employee and the petitioner.

11. The CGHS card, however, mentions the name of the petitioner as the wife of the employee but the card became invalid with effect from 10th October, 2019.

12. The authority has also come to know that the employee filed a matrimonial suit against the petitioner in the District Judge's Court at Alipore for declaring the marriage as null and void.

13. Due to irregularity in the declaration of the details of the family, the authorities are unable to process the pension paper of the employee.

14. From the documents available before the Court it appears that the petitioner is unable to obtain medical benefit by virtue of the health card of the employee because proper family details are not disclosed by the employee.

15. As the employee is not represented in Court, accordingly, the issue cannot be decided conclusively.

16. Several representations by and on behalf of the petitioner are pending consideration before the authority.

17. The instant writ petition is, accordingly, disposed of by direct the Additional Director, Central Government Health Scheme being the respondent no. 4 herein to consider and decide the representation filed on behalf of the petitioner on 6th April, 2022 in accordance with the service rules of the employee after giving a reasonable opportunity of hearing to all the necessary parties and by passing a reasoned order at the earliest but positively within a period of eight weeks from the date of communication of this order.

18. If the authority is of the opinion that any remedial step is required to be taken, the same shall be taken immediately thereafter.

19. The writ petition stands disposed of.

20. Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)