

Sl. No.188
13.03.2025
Suman
Ct. 15

WPA 2523 of 2025

Radhey Shyam Baidya
Vs.
The State of West Bengal and Ors.

Mr. Saktipada Jana
Mr. Arup Kumar Saha
..for the petitioner

Mr. Ankit Sureka
Mr. Biplab Das
Mr. P. S. Pal
..for respondent nos. 2 and 3.

Mr. Subrata Das Gupta
..for the State

The petitioner has filed this writ petition seeking the disbursement of the terminal dues following the death of Subarna Baidya, who served as an Assistant Registrar in the Co-operation Department, Government of West Bengal, and passed away on April 29, 2024.

The petitioner claims to be the nephew of the deceased employee and asserts that the deceased had nominated him to receive the terminal dues. However, the petitioner contends that these dues have not been disbursed to him to date.

During the pendency of this writ petition, the Office of the Indian Audit and Accounts Department, Accountant General (A & E), West Bengal, issued a letter dated February 10, 2025, to the Joint Registrar of Cooperative Societies, Western Zone Office. The letter indicated that, under Rule 7(i)(e)(i) of the DCRB (Rules) 1971, the nomination form submitted by the deceased may be deemed void, as a nephew is not considered a family member eligible to receive the Death Gratuity. The letter further stated that a succession certificate would be required for the release of the retiral dues.

However, the letter also provided the following:

“In spite of the above provision if your office still inclined to allow the executed nomination in Form-A for release of Death Gratuity of the deceased incumbent, the same may be referred to the Finance Department, Govt. of West Bengal routed through your administrative department for necessary ratification of the said nomination form.

If such ratification is obtained from the competent authority, proposal for release of Death Gratuity in favour of the nominee concerned may be submitted to this office along with original Service Book of Late Baidya and other requisite documents.

It may also be noted that this office has no role at all to play until and unless any of the above proposals is submitted to this office in complete shape.”

The learned advocate representing the petitioner submits that a direction should be issued to the Joint Registrar of Cooperative Societies to forward the necessary documents to the Finance

Department, Government of West Bengal, for a decision.

In light of the above, I am not inclined to keep this writ petition pending.

Accordingly, this writ petition is disposed of with a direction to the Joint Registrar of Cooperative Societies, Western Zone Office, to forward all relevant documents to the Finance Department, Government of West Bengal, in accordance with the letter No. Pen.X/Court Case/WPA-2523/2025/Out-362, dated February 10, 2025, within one month from the date of this order.

The Finance Department is further directed to communicate its decision to both the petitioner and the Joint Registrar of Cooperative Societies within one month thereafter.

The petitioner shall provide all necessary documents to the Joint Registrar of Cooperative Societies within two weeks from the date of communication of this order.

Accordingly, **WPA 2523 of 2025** is disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the learned advocates for the parties on usual undertakings.

(Kausik Chanda, J.)