

W.P.S.T. 40 of 2025

**Smt Kalpana Das
Vs.
The State of West Bengal & Ors.**

Mr. Soumya Basu Roy Chowdhuri,
Mr. Sarbananda Sanyal,
Ms. Poulami Chakraborty
...for the Petitioner
Mr. Tapan Kumar Mukherjee, Id. AGP,
Ms. Sangeeta Roy
...for the State
Mr. A. Chakraborty,
Mr. Gourab Mukhopadhyay
...for the Respondent No.5

1. The employee, namely, Sanatan Das, died on 14.10.2015. The petitioner who was the applicant before the West Bengal Administrative Tribunal (hereinafter referred to as the 'S.A.T.') approached the S.A.T. claiming the death-cum-retiral benefits of Sanatan Das. In the proceedings before the S.A.T., the present respondent no.5 opposed the claim of the petitioner alleging that alleged marriage of Sanatan Das with the petitioner was a void marriage having been solemnised during the subsistence of first marriage with the respondent no.5.
2. The writ petitioner/applicant on the other hand denies and disputes the fact that respondent no.5 is a legally married wife of late Sanatan Das. While both the applicant as well as respondent no.5 were claiming to be the only legitimate wife of

late Sanatan Das, the S.A.T. by the order impugned has directed sanction of family pension and other retiral benefits like GPF, Group Insurance, Leave Salary and Gratuity with arrears equally amongst the applicant as well as respondent no.5.

3. The issue whether the applicant or the respondent no.5 is the legally wedded wife and as to the marriage of which one is liable to be held void, or not is an issue which is required to be considered based on evidence in a duly constituted trial in a civil proceedings.
4. In view thereof, we dispose of the present writ petition as well as the O.A. No. 612 of 2021 filed before the S.A.T. giving liberty to the petitioner to approach the civil Court of competent jurisdiction.
5. There will be no order as to costs.
6. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)