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30.07.2025
d.p.

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

W.P.A 5335 of 2024

**Smt. Sushila Devi
-versus
Damodar Valley Corporation & Ors.**

**Mr. Sayan Sinha,
Mr. Adil Naser,
Mr. Nilanjan Bhattacharya.
...For the Petitioner.**

**Mr. Apurba Kumar Datta.
...For the Respondent No.12.
Mr. Pratik Majumder.
...For the Respondent
Nos. 1 to 11.**

1. Report in the form of affidavit by the Damodar Valley Corporation and the affidavit by the private respondent filed in Court today is taken on record. Exception by the petitioner to the report of the Damodar Valley Corporation is also taken on record.

2. Be it recorded that the report by the Damodar Valley Corporation has been wrongly mentioned as on behalf of the respondent nos. 1 to 11. The respondent nos. 9 and 10 will not be covered by the affidavit which is filed by the Damodar Valley Corporation.

3. According to the Damodar Valley Corporation, the employee, that is the daughter of the petitioner, incorporated the name of her husband in her service records. Relying on such records, the Damodar Valley Corporation proceeded to disburse the terminal benefits of the deceased employee in favour of her husband.

4. From the affidavit filed by the private respondent who employed with the Railways it appears that the private respondent incorporated in his service records the name of the daughter of the petitioner as his wife.

5. The petitioner disputes the factum of marriage of her daughter with the private respondent. The issue relating to marriage of her daughter cannot be decided by the writ Court. There are disputed questions of facts involved.

6. It will be open for the petitioner to approach the competent civil forum for adjudication of disputes in accordance with law, if so advised.

7. It has been submitted by the learned advocate appearing on behalf of the Damodar Valley Corporation that the provident fund amount of the deceased employee is yet to be disbursed. The private respondent is an employee of the railways. The petitioner claims to be the dependent of the deceased employee and right now does not have any source of income. Her life and livelihood is at stake.

8. Keeping in mind the poor pecuniary condition of the petitioner, leave is granted to the petitioner to approach the Damodar Valley Corporation with her prayer for releasing proportionate share of the provident fund amount in her favour.

9. On receipt of such prayer from the petitioner, the Damodar Valley Corporation is directed to grant an opportunity of hearing to the petitioner and the private respondent and thereafter decide the issue in accordance with the service law governing the employee.

10. Steps shall be taken by the Damodar Valley Corporation within a period of eight weeks from the date of receipt of the prayer from the petitioner.

11. The writ petition stands disposed of.

12. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)