

Form No. J(2)

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

**Present:-
The Hon'ble Justice Aniruddha Roy**

WPA 7825 of 2025

***Nirmal Kumar Ghosh & Anr.
-vs-
Central Reserve Police Force & Ors.***

For the petitioners : Mr. Vivekananda Bose
Mr. Rahul Kumar Singh

For the Respondents : Ms. Chandreyi Alam
Ms. Runu Mukherjee

Heard On : 23.04.2025

Judgement on : 23.04.2025

Aniruddha Roy,J. :

Affidavit of service filed in Court today, is taken on record.

Facts:

1. The admitted position is that the petitioner no.1 is a retired employee of **CRPF**.
The petitioner no.1 retired on and from **April 30, 2008**. This was a compulsory

retirement suffered by the petitioner no.1 in a disciplinary proceeding initiated by the employer and concluded against him. The charges in the disciplinary proceeding were, *inter alia*, **Polygamy** along with other charges.

2. The petitioners claim nomination in favour of the petitioner no.2 in so far as the terminal benefits out of the employment of the petitioner no.1 is concerned. The petitioners also claim nomination of their two daughters named in **page-48** of the writ petition. The corresponding prayers are there in prayer 'C' to the writ petition.
3. In support of their claim, the petitioners have relied upon a decree passed by the jurisdictional Civil Court dated **January 30, 2024, annexure p-4 at page-38** to the writ petition, where under it was declared that the petitioner no.2 herein being the plaintiff therein was declared to be the **wife** of the petitioner no.1 herein being the defendant in the said civil suit. Showing the rejection communication issued by the respondents, **annexure p-6 at pages-61 and annexure p-8 at page-67** to the writ petition, learned counsel for the petitioners submit that, the plea for rejection was polygamy and the employer claimed that the petitioners have three other wives.

Submissions:

4. Learned counsel for the petitioners submit that the employer should be directed to include the name of the second petitioner and the two

daughters, as nominees of the petitioner no.1 in respect of his terminal benefits.

5. Ms. Chandreyi Alam, learned counsel for the respondents opposes this writ petition. She submits that as the previous wives being alive and without dissolution of those marriages, they might have claim on the same benefits. The petitioner no.2 as it appears from **page-67** is the second wife and prior thereto in **1994** and subsequently **2005**, the names of two other wives have featured in the records of the employer. She further submits that the Civil Court decree is totally silent on these other alleged wives and the related alleged marriages. In such circumstance, Ms. Alam prays for dismissal of this writ petition.

Decisions:

6. After considering the rival contentions of the parties and upon perusal of the materials on record, it appears to this Court that, the Civil Court decree dated **January 30, 2024** is still there, passed by the jurisdictional Civil Court. The terminal benefits of an employee admittedly is the property of that employee and after the demise of the said employee it is the property of his/her successors, testamentary or non testamentary. The nominees, if made by the employee will have the right to receive such employment benefits as custodians and trustees. The nominees may be or may not be

the legal heirs or successors of the employee. A total stranger can also be a nominee, if the employee nominates such person. After the demise of the employee, it is the legal obligation of the nominee to disburse the benefits in favour of the successor-in-interest of the employee, testamentary or non-testamentary. Once the benefits are released by the employer in favour of the nominees, nominated by the employee following the established procedures of law, the legal obligation of the employer comes to an end. No further claim can be raised against and no further liability can be foisted upon the employer.

7. In the instant case, the petitioner no.1 being the employee prays for inclusion of name of the petitioner no.2 as his nominee to receive the employment benefits along with other two daughters mentioned in **page-48** to the writ petition. Therefore, the right of the nominee is restricted only to receive the employment benefits, if the nomination is available on the service record of the employee.
8. In the event, the service record of the petitioner no. 1 shows that he had already nominated other person or persons as his nominee/nominees, then, the employer shall also record the name of the petitioner no. 2 as another nominee along with the existing nominee/nominees. In this regard, to include the petitioner no. 2 as a nominee in the service record of the

petitioner no. 1, the appropriate authority of the respondent employer shall carry out and complete the entire exercise positively within a period of **six weeks** from the date of completion of all the formalities and legal requirements required to be completed with by the petitioner no. 1 in accordance with law.

9. In so far as the two daughters are concerned as mentioned at **page-48** to the writ petition, it appears to this Court that they are major.
10. The petitioner no.1 shall further be at liberty to apply in accordance with law if the petitioner no.1 wants to bring the said two daughters as his nominees in his service record. In the event, such an application is made, the employer concerned shall decide the same in accordance with law and shall inform the petitioner no.1.
11. It is once again made clear that this Court has not gone into the merits of the claim of the petitioner no.1 in so far as the nominations of the two daughters are concerned.
12. At the appropriate time and stage of release and disbursement of the employment benefits of the petitioner no. 1, when there shall be multiple nominees, the employer shall obtain separate affidavits to be shown by each of such nominee before the jurisdictional Judicial Magistrate disclosing the identity of them and qua the petitioner no. 1. Such affidavits

must also contain specific statements of the nominee that they shall have no further claim against the employer concerned in any manner. The disbursement shall be made by the employer strictly in terms of the nomination already made or to be made and executed by the petitioner no. 1 strictly in accordance with law. No future liability can be foisted upon the employer either by the nominees or by any successor, testamentary or non-testamentary, of the petitioner no. 1 in any manner.

13. Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.
14. With the above observations and directions, this writ petition, **WPA 7825 of 2025** stands **disposed of**, without any order as to costs.
15. Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)