

05.08.2025
Sl. No.12
Ct.3/ tkm

W.P.A. 10842 of 2025

Utpala Nandy & Anr.
Vs
State of West Bengal & Ors.

Mr. Kushal Kr. Mukherjee
Mr. Diptangshu Basu
Mr. N Acharyya
...for the petitioners

Mr. Swapan Kr Mazumdar
Mr. Saptarshi Mazumdar
...for Nabadwip Municipality

Mr. Biswajit Sau
...for the State

1. The petitioners have preferred the present writ petition, being aggrieved by the non-grant of family pension and other retiral benefits following the death of her husband Sh. Arun Kumar Nandy.
2. It is the case of the petitioners that petitioner no. 1 is the wife and petitioner no. 2 is the son of late Arun Kumar Nandy who was an employee of respondent municipality. He was murdered on 1.4.2013 and was survived by his mother (now deceased), petitioner no. 1 (his wife) and petitioner no. 2 (who was minor son at the relevant time). Subsequently, petitioner no. 1 applied for the family pension and other retrial benefits, which were initially sanctioned. However, she was later arrested in connection

with FIR no. 168 of 2013 dated 1.4.2013 registered under section 302/379/34 IPC for the alleged murder of her husband.

3. After the demise of Sh. Arun Kumar Nandi, the petitioner no. 1 made a representation for family pension before the concerned authority. The respondent no. 4, after due consideration of the aforesaid representation was pleased to allow the prayer and granted the family pension in favour of petitioner no. 1 for life in accordance with rule 20 of the West Bengal Municipal (Employee's Death-cum-Retiring Benefits) Rule, 2003.
4. Following this, the mother of the deceased, Smt. Chhabi Rani Nandy filed a complained with the respondent municipality on 22.12.2024 claiming her entitlement for family pension on the ground that the petitioner no. 1 was not entitled for the same since she had murdered her husband. Pursuant to the said complaint, the respondent no. 2 vide order dated 23.02.2015 suspended the disbursal of family pension for petitioner no. 1 and sanctioned 50% of the family pension in favour of Smt. Chhabi Rani Nandy w.e.f 7.2.2015 along with 1/3rd share of the death gratuity in her favour.
5. Thereafter, by the judgment dated 29.01.2018, the learned additional sessions judge Nabadwip,

Nadia convicted petitioner no. 1 in connection with FIR no. 168 of 2013 for murder of her husband. An appeal being CRA 58 of 2018 was preferred by her, which is currently pending adjudication.

6. This court vide order dated 29.6.2018 suspended the sentence imposed on petitioner no. 1.
7. Learned counsel for the petitioner submits that petitioner no. 1 continues to be entitled for the family pension and both the petitioners are entitled to the death cum retirement benefits of the deceased employee.
8. Learned counsel for the petitioner further submits that they had made a representation dated 25.03.2025 and a subsequent demand for justice letter dated 23.4.2025 before the respondent authority but no response has been received till date.
9. Learned counsel for the respondent municipality submits that they are ready and willing to decide the petitioners' representation dated 23.4.2025.
10. Learned counsel for the petitioners submits that the petitioners shall be satisfied if the said representation is decided within a time-bound manner.

11. In view of the submissions made by the learned counsel for the parties, this Court directs respondent no. 3, the Chairman, Nabadwip Municipality, to consider and dispose of the petitioners' representation dated 23.4.2025, after granting an opportunity of personal hearing to the petitioner, within eight weeks from the date of communication of this order, by way of a speaking order, strictly in accordance with law, .
12. With the above direction, the present writ petition is disposed of.
13. Since no affidavit is called for, allegations made in the writ petition are deemed to have been denied.

(Gaurang Kanth, J.)