

27.01.2025

Ct. 23

D/L 1

ab

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

**WPA 14617 of 2024**

**Sima Dutta**

**-Vs-**

**Syama Prasad Mookerjee Port, Kolkata & Ors.**

Mr. Fazlul Haquie,  
Md. Ghalib Rizwan

... for the petitioner

Mr. Kallol Bose,  
Ms. Sujata Mukherjee

... for the Syama Prasad Mookerjee Port

The petitioner is claiming to be the widowed daughter of an employee of Kolkata Port Trust now known as 'Syama Prasad Mookerjee Port, Kolkata', who died-in-harness on 3<sup>rd</sup> October, 1980. After death of the employee, the widow of the deceased employee was getting family pension. The petitioner's husband died on 9<sup>th</sup> July, 2014. The petitioner says that after the death of her husband, the petitioner was depended upon her mother and survived on the family pension received by her mother. The petitioner's mother being the widow of the deceased employee died on 15<sup>th</sup> January, 2020. The petitioner is now claiming family pension of her father subsequent to death of her mother. The petitioner has not provided any details about the income of her husband and the financial benefits, if any, received by

the petitioner on the death of her husband. The petitioner also does not say about her income subsequent to the death of her husband. The petitioner relies upon an extract of rule, which is annexed at page 33 of the writ petition and says that being the widowed daughter, the petitioner is entitled to family pension. It is also not clear as to from which rules, this portion being page 33 of the writ petition has been extracted.

The Port Authorities filed a report in the form of an affidavit wherein it is stated that a widowed daughter does not *ipso facto* become entitle to family pension. The Port Authorities have relied upon the Calcutta Port Trust Employees (Pension) Regulations, 1988 and in particular the Rule 74 thereof to submit that, under the Rules as it stands, the petitioner is not entitled to family pension but this issue has been forwarded to the Ministry of Shipping, Government of India in respect of several other similarly situated claimants for the Ministry to take a decision. It is also submitted that the deceased employee during his lifetime did not opt for receiving pension in terms of that available to a Government employee but opted for pension as per the Rules and regulations of the Kolkata Port Trust now known as 'Syama Prasad Mookerjee Port, Kolkata'.

In the aforesaid facts and circumstances, the writ petition is disposed of by directing the Chairman,

Syama Prasad Mookerjee Port, being the respondent no. 2 to take into account the petitioner's claim with supporting documents about her income, dependency and being the widowed daughter of the deceased employee so that if there is a clearance from the concerned Ministry regarding the claim of the widow daughter in respect of family pension, appropriate steps can be taken in respect of the petitioner.

Nothing further remains to be adjudicated in this writ petition. The same is accordingly disposed of.

All parties shall act on the basis of the server copy of this order duly downloaded from the official website of this Court without insisting upon production of certified copy thereof.

**(Arindam Mukherjee, J.)**