

18th March, 2025
(D/L No.31)
Ct. No.4
(SKB)

W.P.C.T.186 of 2024

Kalyani Ghosh
Versus
Union of India and others

Mr. Ramashis Mukherjee,
Ms. Munmun Mondal
....for the petitioner.

Ms. Manju Agarwal,
Mr. Dwijadar Chakraborty
... for the U.O.I.

1. The affidavit of service is taken on record.
2. The present petitioner claimed to be wife of one Debashish Ghosh, who died while in harness working as Tax Assistant at Range-54(3) of the Income Tax Department.
3. The petitioner has approached the Central Administrative Tribunal (in short 'Tribunal') for setting aside the rejection of her claim for receiving the benefits of the death-cum retiral dues of the said Debashish Ghosh. She has also sought directions upon the respondents to pay the death-cum retiral dues of the deceased relying upon the decree passed in Title Suit No.229 of 2009 on 22.04.2014 by the court of Civil Judge, Junior Division (Kalyani).

4. Before the Tribunal, it was the stand of the respondents that the deceased, while he was still in service, had nominated one Uma Ghosh as the beneficiary of his provident fund deposits. According to the respondents, there was no nomination in favour of Kalyani Ghosh (the present petitioner). It is the stand of the respondents that all the death-cum retiral dues have already been disbursed to the said Uma Ghosh. Even an appointment on compassionate ground was granted to Uma Ghosh as a Multi Tasking Staff (MTS) in the Department. She has joined the said post on 14.06.2011.
5. The respondents, therefore, took a stand before the Tribunal that the marriage certificate being produced by the present petitioner was lacking in credibility. It has also taken a stand that in view of the nomination existing in the records made by the employee himself, the authorities had no option than to disburse the death-cum-retiral dues of the government servant, since deceased, in terms of the nomination. The stand of the respondents before the Tribunal has been upheld and the Tribunal has dismissed the O.A. filed by the present petitioner.

6. While dismissing the O.A., the Tribunal has held that it is not the appropriate forum for entering into the issue as to who is the legally wedded wife. It is also pointed out by the learned counsel representing the respondents authorities that while the trial was at its nascent stage in the suit, the nominee of the deceased, namely, Uma Ghosh passed away. Thereafter due to lack of any substitution being effected in the suit, the said Uma Ghosh was not represented. It is under such circumstances that the petitioner obtained the decree from the Trial Court.
7. The petitioner also raised an issue before the Trial Court that it was the petitioner who was, in fact, the nominee of the deceased. In support of such contention she had relied upon a document being the subscriber's nomination wherein the petitioner has been shown as the nominee. Since the same was at variance with copy of the subscriber's nomination being maintained in the department of Personnel and Trainee, Government of India wherein the name of Uma Ghosh was entered, the document being produced by the petitioner was subjected to examination by the Central Forensic Science Laboratory which opined that the same contained an interpolation

in handwriting. The respondents have thus tried to discredit the same.

8. The learned counsel for the respondents has further submitted that the issue regarding the matter being considered by the Central Forensic Science Laboratory was not considered by the Trial Court in its decree.

9. Having considered the rival submissions, we are of the view that if the petitioner has obtained a decree in her favour, it is for her to get the same executed. We do not intend to say anything on the merits of the decree.

10. Insofar as the order passed by the Tribunal is concerned, the same being founded on the nomination existing in the department; and for the other reasons contained in the order of the Tribunal, we find that the same does not require any interference. Reserving the petitioner's right to avail the fruits of the decree in appropriate proceedings in accordance with law, we dismiss the present writ petition.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)