

W.P.S.T. 221 of 2025

Smt. Tulu Ghorai
Vs.
The State of West Bengal & Ors.

Mr. Lutful Haque,
Mr. Sandeep Chakraborty,

...for the Petitioner

Ms. Debdooti Dutta

...for the State

1. Heard the learned counsel for the writ petitioner and the learned State counsel.
2. The petitioner claims to be wife of the Government employee who died in harness on 8th May, 2011. The petitioner moved the West Bengal Administrative Tribunal ('S.A.T.' for short) seeking disposal of her claim for the retiral dues of the deceased. O.A. No. 1047 of 2011 filed by the petitioner was disposed of on 13.12.2011 with a direction to the Superintendent of the Diamond Harbour Sub-Divisional Hospital, where the petitioner's husband was posted, to consider the petitioner's claim.
3. The claim has been disposed of finally on 21.03.2024, after an order was passed in a subsequent O.A. filed by the writ petitioner bearing O.A. No. 550 of 2023. The order has been passed by the Superintendent of the Hospital after

giving the petitioner an opportunity of hearing on 21.03.2024.

4. The Superintendent while disposing of the petitioner's claim has taken note of the fact that the Government servant while he was in service, entered the name of the private respondent no.5 as his wife in the service book. Considering the entry in the service book made by the Government servant; and taking into consideration the fact that the writ petitioner could not produce any documentary evidence of marriage, the Superintendent has disposed of her claim for retiral dues.
5. The order disposing of her claim has been assailed by the petitioner by filing O.A. No. 113 of 2025, disposed of on 23.05.2025. This order is put to challenge in the present writ proceeding.
6. The S.A.T. in the order has held that the issue regarding the disputed legal status of the petitioner claiming to be wife of the deceased, is beyond the jurisdiction of the S.A.T. and is to be decided in a civil court/forum of competent jurisdiction.
7. The learned counsel for the writ petitioner, however, submits that some documents were placed by the applicant/writ petitioner before the authorities which are sufficient to show that the

present petitioners were wife and children of the deceased Government servant.

8. The learned State counsel on the other hand has submitted that in view of there being a specific nomination in favour of the private respondents and entry in the service book showing the name of the private respondents as wife and children of the Government servant, there was no scope for the authorities to entertain the claim of the writ petitioner.
9. On consideration of the rival submissions, we are in agreement with the submission of the learned State counsel.
10. In view of the entries made in the service book and nomination made in favour of the private respondents, the authorities were not left with any discretion in the matter to extend the retiral benefits to any other persons, as no provision has been pointed out under the service rules or the Death cum Retirement Benefit Rules which contemplates consideration and adjudication of such rival claims by the authorities. The authorities were required to follow the service records and nomination, till such time there is a declaration or adjudication to the contrary by a Forum/Court of competent jurisdiction. In the

present case, no such adjudication has been done by any forum of competent jurisdiction.

11. In view of the above noted circumstances, we find no infirmity in the order dated 23.05.2025 passed by the S.A.T. in O.A. No. 113 of 2025.
12. The Writ Petition being **W.P.S.T. No. 221 of 2025** is dismissed.
13. The writ petitioner would be at liberty to avail appropriate civil remedies in a Court of competent jurisdiction.
14. We make it clear that the present order should not be treated as an expression on the merits of the petitioner's claim.

(Madhuresh Prasad, J.)

(Prasenjit Biswas, J.)