

13.01.2025

Court No.23
ML – 19
(PP)

**In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

WPA 24916 of 2024

**Gita Sen
versus
Union of India & Ors.**

Mr. Atreya Chakraborty

.... for the petitioner.

Ms. Amrita Pandey,

Ms. Sneha Singh

....for the respondents/ Union of India.

It is submitted by Ms. Amrita Pandey, learned advocate appearing on behalf of the respondents that Santi Prasad Saha was an employee North Eastern Railway at the time when he died in 1971. The widow of Santi Prasad Saha was initially granted the pensionary benefit through North Eastern Railway, but subsequently with the bifurcation of Railways the Pension Payment Order in favour of Anupama Saha, the widow, was executed by the Eastern Railway. In that view of the matter, it is submitted that the Eastern Railway should be made a party.

Considering such submission, the Finance Advisor & Chief Accounts Officer, Eastern Railway having his office at 17, Netaji Subhas Road, Fairley Place, Kolkata – 700 001 is added as a respondent in this writ petition.

Learned advocate for the petitioner is granted liberty to insert the name and particulars of the added respondent in the cause title and serve a copy of such application to Ms. Amrita Pandey, learned advocate representing Eastern Railway.

It is the case of the petitioner that she is the daughter of Santi Prasad Saha and Anupama Saha. The petitioner, Gita Sen was married to Dipankar Sen who passed away 4th August, 2004. It is the case of the petitioner that since then she was dependent on her mother, Anupama Sen, and was basically living on the family pension received by Anupama Saha from Eastern Railway. Anupama Saha died on 29th March, 2024. According to the petitioner, she died intestate leaving behind the petitioner as her only legal heiress. The petitioner, therefor, has become entitled to receive the family pension after the death of her mother Anupama Saha.

The petitioner further says that she has made several representations to the Railway Authorities for granting her the family pension of her father Santi Prasad Saha after the death of her mother, but the same has not yet been disposed of.

In the aforesaid facts and circumstances, I think that justice will be sub-served if I direct the petitioner to make a representation in an appropriate format stating the facts in details along with the particulars in support

of her claim for family pension with necessary proof of her own income as also by providing the amount she has received on the death of her husband, Dipankar Sen, if any, within a period of 3 weeks from date to the added respondent (respondent no.6).

In the event such representation is made, the respondent no.6 shall dispose of the same by a reasoned order after affording the petitioner an opportunity of hearing. The entire exercise should be completed within a period of 8 weeks from the date of receipt of representation, if any. In the event, the respondent no. 6 rejects the petitioner's claim then he shall give reasons for the same. On the contrary, if the respondent no.6 allows the petitioner's prayer, the said respondent shall direct the appropriate authority to release the family pension at the earliest. The reasoned order shall be communicated to the petitioner immediately upon the same being passed.

The respondent no.6 shall be free to decide the issue independently and afresh taking into consideration all facts and figures without being influenced in any manner by any observation made in this order. I also make it clear that I have not gone into the merits of the claim of the petitioner.

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

Since I have not called for any affidavits, the allegations contained in the writ petition are deemed to have not been admitted by the respondents.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Arindam Mukherjee, J.)