

21.11.2025
Court: 02
Item No. 16
(**Suvendu**)

WPA 25471 of 2025

Tapati Bindu
-Versus-

Syama Prasad Mukherjee Port
(formerly Kolkata Port Trust) & Ors.

Ms. Debanjan Mukherjee
Mr. Subhajit Chattopadhyay
.....for the petitioner

Mr. Sirsanya Bandopadhyay
Mr. Ashok Kumar Jena
....for the Port Authorities

Mr. Falguni Bandyopadhyay
....for the UOI

1. Affidavit of service filed on behalf of the petitioner is taken on record.

2. Learned advocate representing the petitioner submits that father of the petitioner was an employee of Kolkata Port Trust (presently, Syama Prasad Mukherjee Port). Father retired on 1st May, 1991. Father was in receipt of pension after superannuation. Father died on 10th December, 2016. Mother pre-deceased father on 25th June, 2011.

3. By filing this writ petition, petitioner being unmarried daughter of deceased employee has claimed family pension due to death of her father on 10th December, 2016. It is submitted that

representations were made before the Port Authority and petitioner was intimated to file some documents. It is also submitted that there was an issue of nomination in connection with service of the petitioner's father and same is resolved by order passed by the Civil Court on 2nd May, 2024 permitting issuance of Succession Certificate in favour of the petitioner and her brother. According to the petitioner, succession case was disposed of vide order dated 2nd May, 2024 passed by the District Delegate, Civil Judge (Senior Division), 5th Court, Alipore, South 24 Parganas.

4. Mr. Bandyopadhyay, learned advocate representing Port Authorities submits that decision on entitlement of the petitioner to receive family pension could not be taken as papers relating to nomination in connection with service of father of the petitioner were not submitted before the Port Authorities.

5. In view of respective submissions made on behalf of the parties and taking note of the order dated 2nd May, 2024 passed by the Civil Court on succession case, this Court finds no impediment in settling family pension case of the petitioner by the concerned Port Authority. It is decided in the order dated 2nd May, 2024 that petitioner being

daughter of deceased employee is entitled to get Succession Certificate thereby fortifying her claim to receive family pension from Port Authorities in connection with service of her father.

6. In aforesaid conspectus, concerned Port Authority is directed to settle family pension case of the petitioner by six weeks from date of communication of this order and necessary order shall be passed in accordance with law releasing family pension in faovur of the petitioner.

7. After release of family pension petitioner shall be at leave to make a representation to the concerned Port Authority claiming interest on arrear family pension and Court expects that same shall be decided by the appropriate authority in accordance with law.

8. However, it is made clear that entitlement of the petitioner to get interest due to delayed payment is not decided and the issue is kept open.

9. Since no affidavit is called for, allegations contained in the writ petition are deemed not to have been admitted.

10. Writ petition stands disposed of.

11. There shall be no order as to costs.

12. Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Saugata Bhattacharyya, J.)