

18.03.2025
(M/L 359)
Ct.-19
(Susanta
Samar)

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

APPELLATE SIDE

W.P.A. 23250 of 2019

Banani Dutta

-Vs-

The State of West Bengal & Ors.

Mr. Chandan Dutta,

Ms. Rituparna Das,

... For the petitioner.

Mr. Tapas Ballav Mandal,

... For the State.

Affidavit-of-service filed on behalf of the
petitioner be kept with the record.

Ms. Swapna Dutta, the unmarried sister-
in-law of the petitioner was a nurse under
Block Medical Officer of Health, Kelejora Block
Primary Health Centre of the then undivided
Bardhaman now Paschim Bardhaman.

The said employee had retired from her
service on December 31, 2009 and had died on
September 14, 2011 leaving behind one brother
i.e., the husband of the petitioner and one sister
as her heir and legal representative.

The husband of the petitioner being the
nominee of the deceased employee approached
the West Bengal Administrative Tribunal with
an application being O.A 804 of 2015 for

release of the death benefits of his deceased sister.

The Tribunal by an order dated April 13, 2018 had declared that the benefits of arrears of pension, retiring gratuity and commuted value of pension should be divided between two heirs of deceased employee in equal half share, but they are not entitled to get the family pension.

The husband of the petitioner had died before the said benefits were disbursed in his favour.

The petitioner is claiming that her husband died leaving behind him surviving his widow i.e., the petitioner herein and two sons as his heirs and legal representatives.

The petitioner is alleging that she has applied before the District Magistrate, Paschim Bardhaman, the respondent no. 7 herein, to issue heirship certificate of her deceased husband, but the said respondent has kept her prayer pending causing thereby delay in disbursement of the said benefits.

It appears from the record that a representation of the petitioner dated February 22, 2019 praying issuance of such heirship certificate is pending consideration before the respondent no. 7.

The said respondent is directed to dispose of the said representation in accordance with law as expeditiously as possible preferably within a period of six weeks from the date of communication of this order.

W.P.A. 23250 of 2019 is disposed of with the above terms without any orders as to costs.

Since no affidavit has been invited, the allegations made in the writ petition are deemed to have been denied by the respondents.

Parties to act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)