

Form J(2)
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**IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side**

Present:

The Hon'ble Justice Aniruddha Roy

WPA 26705 OF 2024

Gannu Rao & Anr.

Vs.

The State of West Bengal & Ors.

For the petitioners : Mr. Golam Mastafa, Adv.
Mr. T. S. Samanta, Adv.
Mr. K. A. Iqbal, Adv.
Mr. A. Rahman, Adv.

For the Respon-
dent State : Ms. Mousumi Banerjee, Adv.

Heard on : August 18, 2025

Judgment on : August 18, 2025

Aniruddha Roy, J. :

Mr. Golam Mastafa, learned Advocate appears for the petitioners.

Ms. Mousumi Banerjee, learned Advocate appears for the respondents
State.

One Patia Nilab was the employee of the **ESI Hospital**. He died on **July 16, 2024**. The Service Record shows that, during his lifetime, the deceased employee nominated his **three sons and the widow** to receive his employment

benefits. The petitioner no.1 claims to be one of such sons and the petitioner no.2 claims to be the widow of the deceased employee.

The confusion and dispute arose with regard to the surname/title of the nominees. The nomination document, **Annexure-A4, at page 10** to the report on affidavit filed by the respondents shows though the surname of the nominees appearing in the Service Record as “**Nilab**” whereas, the nominees of the writ petitioners applied for receiving the employment benefits with their surname “**Rao**”.

Ms. Mousumi Banerjee, learned State Advocate appearing for the respondents submits that, in view of the said dispute with regard to the surname/title of the nominees, the employment benefit of the deceased employee could not be disbursed.

In view of the above, the respondent no.5 is directed to communicate the nominees of the deceased employee by way of a written communication to submit what are the required documents and records, the authority requires to consider the issue conclusively and then to disburse the employment benefit of the deceased employee strictly in terms of the nominee documents executed by the deceased employee, which is in existence of the relevant Service Record. The said communication has to be issued by the respondent no.5 positively within **a week** from the date of communication of this order.

An identical communication shall also be served upon the learned advocate on record for the petitioners so that the same can also be communicated by the learned Advocate to the said nominees.

Immediately after receiving the said communication, the nominees shall produce all the relevant documents/records and shall furnish all necessary information before the respondent no.5 strictly in terms of the said communication to be issued by the respondent no.5 positively within a period of **two weeks** from the date of receiving such communication.

The respondent no.5 then shall take conclusive decision on the issue with reasons and shall communicate the same to the nominees positively within a period of **two weeks** from the date of receiving of information and records from the nominees.

In the event, any further clarification or information or records are required by the respondent no.5, the respondent no.5 shall inform the same to the nominees positively within a period of **one week** from the date of receiving of information and records from the nominees, as stated above.

After the said entire exercise is carried out, the respondent no.5 and/or appropriate authority shall disburse and pay the employment benefits of the deceased employee in favour of the nominees, in accordance with law and strictly in compliance with the nominee documents existing in the Service Record of the deceased employee positively within a period of **four weeks** from the date of receiving all the relevant information and documents from the nominees as directed above.

In the event the respondent no.5 finds sufficient reasons not to release the employment benefits in favour of the nominees, such reasons shall also be communicated to the writ petitioners and/or the nominees of the deceased

employee positively within a period of ***two weeks*** from the date of receiving the information and records from the nominees, as directed above.

These directions are mandatory.

Learned Advocate on record for the petitioners shall serve a copy of the writ petition and the report-on-affidavit along with a copy of today's order upon the respondent no.5 forthwith.

With the above observation and directions this writ petition, ***WPA 26705 of 2024*** stands ***disposed of***, without any order as to costs.

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

(Aniruddha Roy, J.)