

25.02.2025

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

WPA 27765 of 2024

Kajal Rani Mahapatra

-Vs-

The State of West Bengal & Ors.

Mr. Anil Kumar Chattopadhyay

... for the petitioner

Affidavit of service and the supplementary affidavit filed in Court today are taken on record.

The petitioner claims to be the wife of an employee under the Transport Department, Government of West Bengal, who died-in-harness on 8th March, 2015. It also appears from the record that the deceased employee had two marriages and the respondent no. 4 is the daughter from the other marriage.

Admittedly, while working as a Peon under the Transport Department, Government of West Bengal, the deceased employee was holding a civil post under the State. The claim for family pension and other terminal benefits relates services of a Government employee. This Court, therefore, lacks the jurisdiction to receive, try and determine the issues involved in this writ petition in view of the provisions of Section 15 read with Sections 28 and 3(q) of the Administrative Act, 1985.

The writ petition is accordingly dismissed for non-prosecution with liberty to the petitioner to approach the appropriate forum on the self-same ground in accordance with law. The time in between 20th November, 2024 and this date (25.02.2025) should be construed as time spent in prosecuting a matter bona fide before a Court without jurisdiction.

(Arindam Mukherjee, J.)