

02.05.2025

Ct. no.2

Sl. 4

b.r.

WPA 28120 of 2024

Rekha Dutta

Vs.

Bank of Baroda & Ors.

Mr. Abhijit Mondal

.... For the petitioner.

Mr. Dipanjan Datta

Ms. Sukanya Datta

.... For the Bank.

Affidavit of service filed in Court today, is taken on record.

Mr. Abhijit Mondal, learned counsel appears for the petitioner.

Mr. Dipanjan Datta, learned counsel appears for the respondent/Bank.

The facts are admitted to the extent that the husband of the petitioner was a permanent employee of the Bank. The husband died on **April 13, 2021** pre-maturely during his employment tenure. All the retiral benefits have been disbursed in favour of the petitioner and the petitioner has received those without any objection. She has been receiving family pension. The Bank has borne the medical expenses including the funeral expenses of the employee with deep sympathy.

Showing a letter dated **September 13, 2021**, **annexure p-4 at page-19**, learned counsel, Mr. Abhijit Mondal, appearing the petitioner submits that the petitioner claims ex-gratia. The letter shows within one year of the death of the employee, the petitioner was asked to produce several documents and records as mentioned therein. The petitioner submits those were submitted but no step has been taken for payment of ex-gratia to the petitioner on account of the employment of her deceased husband.

Mr. Dipanjan Datta, learned counsel for the Bank submits that the first application in response to the said letter dated **September 13, 2021** was submitted by the petitioner on **March 19, 2024** which is much beyond one year of the date of death of the employee. The writ petition has been filed in **2024**. The employer Bank with all its *bona fide* has paid all the employment benefits on account of the deceased employee.

After considering the submissions made on behalf of the parties and upon perusal of the records, this Court directs the petitioner to submit the documents mentioned in the said letter dated **September 13, 2021**, if not submitted already, within **two weeks** from date before the appropriate authority of the Bank.

Upon receiving the said documents from the petitioner, the appropriate authority of the Bank shall consider the case with some sympathy and shall do the needful, at its discretion, considering the fact that the deceased employee has suffered an untimely pre-mature death. The Bank shall consider the case within a period of **four weeks** after receiving the necessary documents from the petitioner.

It is made clear that this order shall not create any right or equity in favour of the petitioner.

It is also made clear that considering the special circumstance mentioned above, this order is being passed and the same shall not be treated as a precedence.

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

With the above observations, this writ petition, **WPA 28120 of 2024** stands **disposed of**, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)