

ML 109
15.01.2025
Court No. 14
BP/AGM

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 29673 of 2024

**Arjun Hela
-versus-
The Chairman, Senior Accounts Officer (Pension) &
Ors.**

**Mr. Arnab Kumar Neogi.
Mr. Anirban Saha.
...For the Petitioner.**

**Mr. Ashok Kumar Jena.
...For the KPT.**

1. The petitioner challenges the order passed by the Senior Accounts Officer (Pension) by holding that the widow of the deceased employee being the nominee is entitled to receive 100% Death –Cum- Retirement Gratuity and the same is to be released in favour of the recorded nominee.

2. Learned counsel representing the Port Trust relies upon Regulation 36(1) of the Calcutta Port Trust Employees' (Pension) Regulations, 1988 which mentions that an employee shall, on his initial confirmation in a service or post, make a nomination in form as may be, as appropriate in the circumstances of the case, conferring on one or more persons the right to receive the Death –Cum- Retirement Gratuity.

3. Regulation 36(2) mentions that if the employee nominates more than one person under sub regulation 1, he shall specify in the nomination the amount of share payable to each of the nominees in such manner as to cover the entire amount of gratuity.

4. The petitioner submits that he is entitled to a share in the gratuity amount.

5. It appears that the employee nominated only his wife to be his recorded nominee. Had the employee intended to give any share of the gratuity amount to any of his other family members, then the employee should have mentioned the same in his service records.

6. The service records of the employee clearly record the name of his wife Manju Hela as his nominee. The Port Trust being the employer rightly disbursed the entire amount in favour of the recorded nominee.

7. In the event the petitioner intends to get a share of the said amount, it will be open for him to approach the competent civil forum for remedy.

8. The Court is not inclined to interfere with the impugned order.

9. The writ petition fails and is hereby dismissed.

10. Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)