

07.04.2025
Ct. No.2
19
Rohit

**Calcutta High Court
In the Circuit Bench at Jalpaiguri**

**WPA 1378 of 2024
Sharda Sherpa
-vs-
The State of West Bengal & Ors.**

Mr. Ranjan Sharma
...for the Petitioner

Ms. Bedashruti Bose
Mr. Kumar Shantanu
...for the State

Mr. R. Lama
...for the
Respondent Nos. 2 & 3

Ms. Nikita Paul
...for the
Respondent No. 5

The petitioner states that her husband namely Sagar Lama who was working as a clerk in the Tax Department of Darjeeling Municipality expired on August 21, 2021 leaving behind him surviving the petitioner as his widow and a minor daughter as the only legal heirs.

The husband of the petitioner namely Sagar Lama who was working as a Clerk in the Tax Department of Darjeeling Municipality died in harness on April 21, 2021. The petitioner is the widow of Sagar Lama since deceased. The petitioner states that she has a minor daughter.

The petitioner alleges that the authorities of Darjeeling Municipality have not released any amount

arising out of the service of the deceased husband with the municipality. A representation dated 2nd of March, 2024 to that effect has been submitted before the Executive Officer of the Darjeeling Municipality.

The learned Advocate appearing for the mother-in-law of the petitioner/respondent no.5 herein submits that the relationship between the petitioner and her husband was very much strained, for which the petitioner was staying separately.

The learned Advocate appearing for the private respondent submits that the petitioner is not looking after the 5th respondent.

It has been specifically stated in the writ petition that the petitioner was getting an amount on account of maintenance as per the order passed by the learned Additional Chief Judicial Magistrate, Kalimpong and due to the death of her husband the petitioner is in severe financial constraints.

Since a representation has been made before the authorities which appears to be still pending, WPA 1378 of 2024 is disposed of by directing the Chairman, Darjeeling Municipality to consider the representation of the petitioner dated 2nd of March, 2024 and to dispose of the same by passing a reasoned order after giving an opportunity of hearing to the petitioner, the 5th respondent and/or any other

interested person who may be affected by such decision.

The entire exercise shall be completed as expeditiously as possible but positively within a period of six weeks from the date of receipt of a server copy of this order along with a copy of the representation dated 2nd of March, 2024.

(Hiranmay Bhattacharyya, J.)