

1. Affidavit of service filed on behalf of the petitioners be taken on record.
2. The petitioners claim to be the second married wife of a deceased employee of Shyama Prasad Mookherjee Port, Kolkata. She claims family pension.
3. From the documents annexed to the writ petition it appears that the authority requested one Amita Rani Maity (Sahoo) daughter of Bijoy Krishna Sahoo to produce the succession certificate to establish her identity for processing the claim for family pension as there is a rival claim for the same.

4. Learned advocate for the petitioners submits that a suit was filed by the other claimant allegedly against the petitioners and the said suit stood dismissed by the Court for default on 23rd of September, 2025 being Title Suit No. 258 of 2012 C.I.S. No. 790 of 2016.
5. It has been submitted that presently all the heirs of the deceased including the heirs of the other claimant jointly pray before the authority for grant of family pension in their favour in their respective shares.
6. Learned advocate representing the Port authority submits, upon instruction that, the issue of family pension cannot be settled in view of the rival claims raised by two women both claiming to be the wife of the deceased.
7. As per the particulars disclosed by the employee in the service records on 13th February, 1988 as dependent family members, the name of the wife is mentioned as Amita Rani Maity of village Gobindapur-Bajitpur. The marriage certificate disclosed by the petitioner no. 1 before the authority is a notarial certificate dated 7th March, 2001.
8. The Port authority contends that without ascertaining proper identity of the widow of the deceased, the authority will not be in a position to disburse family pension.
9. From the documents annexed to the writ petition and the documents placed before the Court by the learned advocate representing the Port authority it appears that both the claimants

have same name i.e. Amita Rani Maity; but the name of their respective fathers are different. The addresses of two ladies are different.

10. The employee died-in-harness on 16th May, 2012. There is no document placed before the Court to suggest that the lady recorded in the service record i.e. Amita Rani Maity, daughter of Srijib Maity, of Gobindapur-Bajitpur, P.S. Sutamata was legally divorced from her husband. In the absence of any order of divorce from the competent forum, the marriage between the employee and the said Amita Rani Maity daughter of Srijib Maity subsists.
11. If the employee had married any other lady during the subsistence of his earlier marriage, then the same would be void as per the provisions of the Hindu Marriage Act, 1955.
12. The authority has rightly refused to accept the prayer of the petitioners for releasing family pension as her identity as well as her marriage has been found to be doubtful by the authority.
13. Merely by having the same name, the petitioners cannot claim the terminal dues of the deceased employee. The notarial certificate relied upon by the petitioners also cannot be the valid proof of marriage.
14. Assuming that the marriage between the petitioners and the employee took place in the year 2001, the employee, for reasons best known, did not include the name of the petitioners in their service records as his dependent.

15. Submission of the petitioners that the disputes between the first and the second wife have been resolved is not a ground for directing the employer to disburse family pension to both in their respective shares.
16. Family pension is not a bounty to be given out by the employer to any person claiming to be the heir of a deceased employee. It is a valuable right in the hands of the legal heir and the same cannot be given away in the absence of proper proof and identity.
17. In view of the above, the prayer of the petitioners for grant of family pension cannot be allowed. The writ petition fails and is, accordingly, dismissed.
18. Urgent photostat certified copy of this judgment be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)