

25th June, 2026
(D/L No.22)
Ct. No.4
(SKB)

W.P.S.T.40 of 2024

Padma Bala Karmakar
Versus
The State of West Bengal and others

Ms. Ananya Neogi,
Ms. Anushka Ghosh
... for the appellant.

Mrs. Chandreyi Alam,
Ms. Runu Mukherjee
... for the State.

1. Heard the learned advocate for the writ petitioner and the learned AGP.
2. The petitioner claiming to be the second wife of a government employee, namely, Kishori Mohan Karmakar, who died on 22.08.1987, raised a claim for family pension decades thereafter in the year 2021. The claim was raised by way of an Original Application filed before the West Bengal Administrative Tribunal (in short 'Tribunal'). The Tribunal directed for consideration of the petitioner's claim. The claim thereafter was considered.
3. It is the submission of the writ petitioner's counsel that pursuant to the order passed in O.A., her claim was considered and rejected by the authorities by an order dated 30.04.2021. The same was put to challenge in O.A. No.619 of 2021.
4. The Tribunal has not interfered with the order dated 30.04.2021 by observing that the pensionary claim including family pension was availed by the first wife. We are informed by the learned AGP that benefit of family pension was now being paid to the legal heirs of the deceased, including the offspring of the present

petitioner, after demise of his first wife in the year 1991. The petitioner asserted a claim as second wife, relying upon her inclusion in the service records.

5. In view of the fact that the pensionary benefits are already been paid to the legal heirs of the deceased government employee including the death gratuity, the original application being O.A. 619 of 2021 was rejected by the Tribunal.
6. Considering the facts and circumstances noted above, we find no reason to interfere with the order of the Tribunal dated 12.08.2022 passed in O.A.619 of 2021; and to direct for payment of family pension to the second wife.
7. Order of the Tribunal does not require any interference in exercise of extra ordinary/discretionary jurisdiction under Article 226 of the Constitution of India.
8. The writ petition is, thus, dismissed.

(Madhuresh Prasad, J.)

(Biswaroop Chowdhury, J.)