

12th February, 2026
(D/L No.16)
Ct. No.4
(SKB)

W.P.S.T.41 of 2024

Papri Saha
Versus
The State of West Bengal and others

Mr. Prosenjit Mukherjee,
Mr. Nirmalya Kumar Das,
Mr. Jahangir Hossain
... for the petitioner.

Mr. Arjun Ray Mukherjee,
Mr. P. Ray Chowdhury
... for the State.

1. The affidavit of service is taken on record.
2. Heard the learned advocate for the applicant/writ petitioner.
3. The applicant/petitioner is claiming to be the second wife of a deceased government employee. It is her case that the marriage was solemnized by the government employee suppressing the factum of the earlier marriage of the deceased government employee. It appears an admitted position from the record that a matrimonial suit for dissolution of the earlier marriage filed by the government employee was pending when the husband of the present petitioner (the applicant in the matrimonial suit) expired on 08.01.2022.

Therefore, there appears no doubt that the earlier marriage was not dissolved.

4. In these circumstances, and since the deceased government employee had entered the name of the first wife in the service records, the West Bengal Administrative Tribunal (in short 'Tribunal') was of the view that no order could be passed in favour of the present writ petitioner.
5. The learned advocate for the petitioner has relied upon a decision dated 27.07.2021 passed in the case of ***Sk. Jahiruddin and another Vs. The State of West Bengal and others (W.P.S.T.57 of 2021)*** passed by a co-ordinate Bench, wherein child born from the second wife of the deceased government employee was required to be considered for grant of his share of the pension of the deceased, which the authorities and Tribunal have not considered.
6. We are informed by the learned advocate for the petitioner that the applicant's son was born in the year 2003. Therefore, today he would have attained majority, nearly three years back. The son is not a party in the O.A. nor is he a party in the present proceeding.

7. The issue for grant of any share of pension to the petitioner's son, even if admissible, was neither raised nor looked into by the Tribunal.
8. We, therefore, find no scope for the writ petitioner to rely on decision in the case of **Sk. Jahiruddin and another** (supra), wherein a prayer was made in the original application for disbursement of death benefits like pension and gratuity of the deceased, to all legal heirs in equal share. Such prayer has been noted in the order dated 27.07.2021 passed in the case of **Sk. Jahiruddin and another** (supra).
9. We, therefore, find no reason to interfere with order of the Tribunal dated 17.08.2022 passed in O.A.380 of 2022.
10. The writ petition is dismissed.
11. We make it clear that this order may not be deemed to be an expression of the court's opinion on the entitlement of the son of the writ petitioner. It would be open to the son to move for any admissible benefits in accordance with law.

(Madhuresh Prasad, J.)

(Prasenjit Biswas, J.)