

S/L 2
27.02.2026
Court No.18
SD

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 6190 of 2018

Sibani Nag (Saha)

Vs.

The Board of Trustee for the Port of Kolkata & Ors.

Mr. K.M. Hossain

Ms. Asmita Mitra

Mr. Mayukh Saha

...for the Petitioner.

Mr. Indranil Chakraborti

Ms. Riya Banerjee

...for the Respondent No.5.

Mr. Kallol Basu

Ms. Sujata Mukherjee

...for KoPT.

1. The petitioner claims to be the legally married wife of a deceased employee of the Kolkata Port Trust. The employee retired from service on January 1, 2004 and died on October 21, 2010. The petitioner claims that she ought to be paid the terminal dues of her deceased husband.

2. The private respondent no.5 also claims to be the widow of the deceased employee.

3. Kolkata Port Trust conducted an enquiry through the police wherein it was revealed that the photo of the lady appearing in the pension file is not of the legally married wife of the employee. The marriage with the lady with which the employee was staying was not registered. The character of the employee was not good and he had extra marital relationship with other ladies.

4. The service book of the employee records the name of the petitioner as his wife. The photograph of the petitioner is annexed in the service record of the employee.

5. As it appears that a dispute has cropped up with the identity of the legally married wife of the employee, the said dispute cannot be adjudicated either by the writ court or the Kolkata Port Trust. The issue is a disputed question of fact and has to be adjudicated upon taking evidence of the parties.

6. In view of the above, no relief can be granted to the petitioner in the instant case.

7. The writ petition fails and is hereby dismissed.

8. Dismissal of the writ petition will, however, not stand in the way of the petitioner to approach the competent forum for declaration of her status as legally married wife of the deceased employee.

9. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)