

22.06.2026
Item No.13
Court No. 30
Aloke

WPA 12468 of 2026

Smt. Munmun Pal & Anr.
-vs-
The Coal India Limited & Ors.

Mr. S.K. Ghosh
Mr. R. Ghosh
... for the petitioner

Mr. Subhajit Mukhrjee
Mr. Swakshar Kr. Mondal
... for the private respondent

- 1.** Affidavit-of-service filed be kept with the record.
- 2.** The writ application has been preferred challenging an order dated 18.07.2024 passed by the Controlling Authority under the Payment and Gratuity Act, 1972 & Assistant Labour Commissioner (Central), Asansol in Application No. 48(41)/2024/E-2 and the order dated 30.03.2026 passed by the appellate authority under the Payment and Gratuity Act, 1972 & Deputy Chief Labour Commissioner (Central), Asansol in Appeal No. PG.103 of 2025-F.

3. Vide the impugned orders, the authority concerned have held that the nominee of the deceased being his mother Smt. Alaka Maji is entitled to receive the gratuity.
4. The petitioner herein being the wife of the deceased admits that the nomination form at page 28 was never changed by the deceased even after marriage and, as such, the mother of the deceased remained the nominee to the extent of 100%.
5. Learned counsel for the petitioner prays that the petitioners being the wife and child of the deceased are entitled to their share of the said dues and necessary orders may be passed.
6. The petitioner has relied upon the judgment of the Supreme Court in **Smt. Sarabati Devi & Anr. vs. Smt. Usha Devi** reported in **1984 AIR 346** wherein the Court has held :

14. In Sarbati Devi (supra), this Court has laid down that a mere nomination does not have the nominee any beneficial interest in the amount payable under the life insurance policy, on death of only indicates the hand which is authorized to receive the amount on payment of which the insured liability under the policy. The amount, however, can be claimed by the heirs of the assured in succession.

15. The appellant also placed reliance on the judgment of this Court in Vishin N. Khanch Lachmandas

Khanchandani & Another (2000) 6 SCC 724, wherein this Court held that the law (supra) holds the field and is equally applicable to the nominee becoming entitled to the payment National Savings Certificates received by him under Section 6 read with Section 7 of the Act which amount to those in whose favour the law creates a beneficial interest, subject to the provisions of the Act.

16. Learned counsel for the appellant also placed reliance on a Division Bench judgment of the Chand Aggarwala v. Delhi Administration & Others (1998) VII AD (Delhi) 639. This case relates Societies Act. The High Court while following Sarbati Devi case (supra) held that it is well settled in favour of a particular person does not have the effect of conferring on the nominee any benefit the death of the person concerned. The nomination indicates the hand which is authorized to receive property. The property or the amount, as the case may be, can be claimed by the heirs of the deceased of succession, governing them.

17. The controversy involved in the instant case is no longer *res integra*. The nominee is entitle amount so received is to be distributed according to the law of succession.

18. In terms of the factual foundation laid in this case, the deceased died on 8.11.1990 leaving behind his only heirs and legal representatives entitled to succeed. Therefore, on the day when the right appellant, his widow became entitled to one half of the amount of the general provident fund, the and on her death, the other surviving son getting the same.

19. In view of the clear legal position, it is made abundantly clear that the amount in any head can but the amount can be claimed by the heirs of the deceased in accordance with law of success words, nomination does not confer any beneficial interest on the nominee. In the instant case a distributed according to the Hindu Succession Act, 1956. The State Bank of India is directed to general provident

fund to the appellant now within two months from today along with interest.

- 7.** Considering the said settled position of law, this Court does not find any error or illegality in the impugned orders challenged before this Court.
- 8.** Writ petitioners have to apply and claim their share of the dues of the deceased, as per the law of succession, as Smt. Alaka Maji (mother of the deceased), the nominee is only the hand who is entitled to receive and the share of the legal heirs is to be divided as per the law of succession.
- 9.** The writ application is accordingly disposed of.
- 10.** Connected application, if any, stands disposed of.
- 11.** Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Shampa Dutt (Paul), J.)