

06.04.2026

Ct. No. 7
M/L. Sl. No. 28
RANJAN

WPA 19253 of 2023

**LAKSHMI BISWAS @ LAXMI BISWAS
VS.
THE STATE OF WEST BENGAL AND ORS.**

Mr. Debnarayan Patra

Mr. Arijit Bera

....for the Petitioner

Mr. Suman Basu

....for the Respondent No. 4

Mr. Bibekananda Tripathy

....for the State

Mr. Tirthankar Dey

....for the BMC

The grievance of the petitioner is directed against non-release of death gratuity benefits alongwith interest in favour of the petitioner.

Briefly, the petitioner's father namely one Dukho Das was an employee of the Bidhannagar Municipality Services Division and had expired on 12.02.2005. The petitioner has filed this writ petition seeking family pension in terms of the Government Circular dated 29.06.2006 and other extant Regulations.

Pursuant to an order dated 11.06.2024 the State respondents have filed a Compliance Report which reflects that the entire amount of Rs. 96,740/- has been deposited with the Learned Registrar, Appellate Side. However, it is submitted on behalf of the State respondents that they are unable to distribute the said gratuity amount since

the petitioner has not been able to comply with the necessary legal formalities and submit the No objection/consent affidavit from the remaining legal heirs.

In view of the disputes raised on behalf of the parties and the fact that the petitioner has admittedly not been able to comply with all legal formalities, there is a serious dispute as to who should be the real recipient of the entire family pension. In any event, the disputed questions raised by the parties cannot be decided in a summary proceeding.

In such circumstances, WPA 19253 of 2023 stands disposed of by granting liberty to the petitioner to comply with all necessary statutory formalities and legal requirements by taking appropriate steps before the respondent authorities.

Liberty is granted to the State respondents to seek refund of the amount which has been lying with the Registrar, Appellate Side alongwith any accrued interest.

(RAVI KRISHAN KAPUR, J.)