

22nd April., 2026
Item no.D/L 19
Court No. 18
Pradip, A.R.(Ct.)

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

Case No. **WPA 23708 of 2025**

In the matter of:
Daya Mukherjee *.... Petitioner*
VS.
West Bengal State Electricity Distribution Company Limited & Ors. *....Respondents*

For the Petitioner:
Mr. Sunny Nandy
Mr. Tomal Singha Roy
Ms. Yamini Tiwari *....Advocates*

For the WBSEDCL:
Mr. Sujit Sankar Koley *....Advocate*

For the EPFO Authority:
Mr. Anjan Chakraborty
Ms. Avantika Chakraborty *....Advocates*

For the Respondent no. 7:
Mr. Usof Ali Dewan
Mr. Arup Sarkar *....Advocates*

1. Affidavit of service filed in Court today is taken on record.
2. The petitioner claims to be the wife of one Bikash Kanti Mukherjee, a deceased employee of the West Bengal State Electricity Distribution Company Limited. She claims family pension and terminal benefits in respect of her deceased husband.
3. It has been submitted that in terms of the direction passed by the employer, the petitioner obtained a succession certificate from the competent Court and submitted the same before the authority for claiming the death benefits of her deceased husband.

4. Despite submission of the said certificate, the claim of the petitioner stood rejected by the authority on the ground that the petitioner is required to produce a decision from the competent Civil Court in the civil suit between the petitioner and the private respondent who also claims to be the first wife of the deceased employee.
5. It has been submitted that once the authority directed the petitioner to produce a succession certificate which the petitioner obtained and submitted the same before the authority, the authority ought not to have changed their stand and direct the petitioner to produce further order from the learned Civil Court regarding declaration of her status as widow of the deceased employee.
6. It has been submitted that the private respondent, who is claiming to be the first wife of the deceased employee, gave no objection before the learned Civil Court in the application made before the Court for grant of succession certificate. After issuance of the no objection certificate by the private respondent, the said respondent cannot retract from her stand and raise any objection to the grant of terminal dues of her deceased husband.
7. Prayer has been made to direct the authority to disburse the terminal benefits in her favour.
8. Learned advocate representing the private respondent denies the submission and opposes the prayer made by the petitioner. It has been submitted that the no objection alleged to be given by the private respondent in the application for grant of succession certificate is a procured one. The private respondent never issued any no objection or consent in favour of the writ petitioner.

9. It has been submitted that the name of her husband is recorded in the educational certificates of her children and also in the voter's card and EPIC and the electoral roll published by the Election Commission of India.
10. It has been submitted that the private respondent filed an application before the learned Court seeking maintenance from her husband under Section 125 Cr.P.C. when her husband was alive. The learned Court was pleased to pass order for grant of maintenance to her by her husband.
11. It has been asserted that the private respondent is the first wife of the deceased employee.
12. Learned advocate representing the West Bengal State Electricity Distribution Company Limited submits, upon instruction that, there is a dispute between the petitioner and the private respondent with regard to the status of wife of the deceased employee. The authority is not in a position to release the terminal benefit of the deceased without ascertaining the identity of the claimants.
13. Learned advocate representing the respondent nos. 5 & 6 submits, upon instruction that, they have been wrongly impleaded in the writ petition. The employee was not covered under the EPFO Act. He was guided by the Death Cum Retirement Benefit Scheme of the State.
14. Learned advocate representing the private respondent has produced photocopy of the electoral roll, rations card, EPIC, PAN card of her children in support of the submission that the name of the deceased employee is recorded as father in all the said documents.

15. An affidavit allegedly affirmed by the employee before the Executive Magistrate praying for issuance of birth certificate claiming himself as father of the children has been placed before this Court.
16. As it appears that there is a dispute between two parties; both claiming to be the wife of the deceased employee, it is not possible for the employer to ascertain the veracity of the statements and submissions made by them.
17. It will not be proper for the writ court to direct the employer to release the terminal benefits in favour of any of the two. Without proper ascertainment of identity, the authority ought not to disburse the terminal dues of the deceased employee. In the absence of any order from the competent Civil Court declaring status as wife of the deceased employee, the authority may not be in a position to disburse the dues.
18. The employee does not appear to be covered by the EPFO Act. The respondent nos. 5 & 6 appear to be wrongly impleaded. The aforesaid respondents stand expunged from the cause title of the writ petition.
19. The instant writ petition cannot be allowed in view of the disputed questions of facts as mentioned hereinabove. The same stands dismissed.
20. It will be open for the claimants to obtain necessary order from the competent Civil Court for declaration of their status as widow of the deceased employee. It is only after receipt of the order/decreed from the competent Civil Court, the employer will take necessary steps in the matter.

21. Parties to act on the basis of the server copy of this order duly downloaded from the official *website* of this Court.
22. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)