

20.01.2026
Court No. 02
Item No.13
(Suvendu)

WPA 29791 of 2025

Protiva Thomas
-Versus-
The State of West Bengal & Ors.

Mr. Mukteswar Maity
Mr. Manika Sarkar
.....for the petitioner

Mr. Debjit Mukherjee
Ms. Priyanka Jana
....for the State

Ms. Afreen Begum
Mr. Dip Dutta
...for the respondent nos. 5 & 6

Ms. Deblina Chattaraj
Ms. Poulami Chattopadhyay
...for the WBTCCL

- 1) Affidavit of service filed on behalf of the petitioner is taken on record.
- 2) By presenting this writ petition, petitioner has prayed for release of proportionate amount of death benefits due to untimely death of her son who was an employee of West Bengal Transport Corporation Limited (fort short, "said Corporation"). Petitioner's son died on 24th September, 2025 who was appointed under died-in-harness category due to death of his father. petitioner has made a representation to the concerned authority of said Corporation

and prayer is made for release of proportionate death benefits.

3) Learned advocate representing the petitioner has placed reliance on judgment of the Hon'ble Supreme Court reported in **AIRONLINE 2009 SC 408, Shipra Sengupta Vs. Mridul Sengupta & Ors.**

4) Case made out in the writ petition is opposed by the learned advocates representing State respondents and said Corporation.

5) Respondent nos. 5 and 6 are wife and daughter of deceased employee respectively. Said respondents are represented by learned advocate.

6) It is contended on behalf of said Corporation that respondent no. 5 was made nominee by the employee in connection with his service for receiving service benefits. It is also contended that as per norms since deceased employee is survived by his wife and daughter mother of the employee has no claim over death benefits.

7) Nothing is shown before this Court in order to demonstrate that when deceased employee is survived by his wife and daughter mother of the deceased employee has claim over death benefits. Moreover, respondent no.

5 being wife was made nominee by the employee in connection with his service thereby conferring right upon said respondent no. 5 to receive death benefits.

8) Ratio of **Shipra Sengupta** (supra) does not come in aid of the petitioner as it is recorded in paragraph 6 that trial court granted succession certificate to the wife and mother of the deceased employee. In the present case, mother does not obtain succession certificate in order to receive death benefits in connection with service rendered by his son in said Corporation.

9) In view of aforesaid scenario, writ petition stands dismissed.

10) There shall be, however, no order as to costs.

11) Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Saugata Bhattacharyya, J.)