

18.03.2026

Ct. No. 5
Sl. No.8
akd

In The High Court at Calcutta
Circuit Bench at Jalpaiguri

W. P. A. 300 of 2026

[Sunati Shil -Vs- The State of West Bengal & Ors.]

Mr. S. M. Obaidullah
Ms. Ankita Dey

... .. for the petitioner

Mr. Subhasish Misra

... for respondent nos.5 & 7

Mr. Hirak Barman
Mrs. Kanika Saha Sarkar

... .. for the State

1. Affidavit-of-service filed in court today is taken on record.
2. The petitioner has preferred the present writ petition seeking direction upon the respondents for release and disbursal of the Death-cum-Retiral benefits such as provident fund, gratuity, leave encashment and other retiral benefits of her deceased mother to the petitioner together with interest at the rate of 7% per annum.
3. It is the case of the petitioner that her mother viz. Smt. Nisharani Shil was employed as a Group-D employee under the Cooch Behar Zilla Regulated Market Committee. During her service tenure, she passed away on 20.11.2007 leaving behind her two sons namely, Uttam Kumar Shil and Goutam Shil respectively and one daughter namely, Sunati Shil, who is the petitioner herein.
4. It is submitted that Goutam Shil passed away on 31.07.2017 and Uttam Kumar Shil passed away on 22.12.2021. Consequently, the petitioner is presently the only surviving legal heir of the deceased employee. However, the

Death-cum-Retiral benefits of the petitioner's deceased mother have not been released to the legal heir. In this regard, the petitioner had submitted a detailed representation before the competent authority on 28.12.2025 requesting release of the said dues. However, no decision has been taken on the representation till date.

5. Learned Advocate for the respondent nos. 5 and 7 submits that the competent authority has no objection in considering the representation of the petitioner dated 28.12.2025 in accordance with law.

6. In view of the submissions made by the learned Advocate for the State-respondents, learned counsel for the petitioner submits that his client shall be satisfied if the representation dated 28.12.2025 is decided in a time bound manner by the competent authority.

7. Accordingly, this Court directs the Secretary, Cooch Behar Zilla Regulated Market Committee (respondent no.5) to consider and decide the application of the petitioner dated 28.12.2025 in accordance with law and in terms of the relevant rules, by passing a reasoned and speaking order within a period of eight weeks from the date of communication of this order after affording an opportunity of personal hearing to the petitioner.

8. Needless to mention that this Court has not expressed any opinion on the merits of the claim of the petitioner and all issues are left open to be decided by the competent authority in accordance with law.

9. With the aforesaid directions, the present writ petition is disposed of.

10. Since no affidavits have been filed by the respondents, the allegations made in the writ petition shall not be deemed to have been admitted.

11. Let urgent Photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

(Gaurang Kanth, J.)