

**F.M.A. 506 of 2026
With
CAN 1 of 2026
Smt. Dolly Sapui
Vs.
The State of West Bengal & Ors.**

Mr. Sarajit Sen,
Mr. Tanmoy Mondal,
Mrs. Sreelekha Mondal

...for the Appellant

Mr. Debashis Saha,
Mr. Avirup Roy Sanyal,
Ms. Sucheta Pal,
Mr. J. Sarkar

...for the State Bank of India

1. Heard the learned advocate for the appellant as well as the learned advocate for the respondent Bank.
2. The appellant claims to be the first wife of an employee of the respondent Bank, who last served in the clerical cadre. The date of demise of the writ petitioner's husband is 17.10.2019. As per the deceased employee's declaration made in the pension papers submitted in the Bank, the pensionary benefits under the Employees' Pension Fund are being paid to another person, as the wife, and son.
3. The learned advocate for the writ petitioner submits that the Pension Regulations of 2014, governing the grant of family pension, states that the trustees may sanction a family pension to the "*dependants*". There is no mention of the pension

being paid to a nominee. Therefore, so called nomination, filed by the deceased husband nominating someone else as his wife and son, cannot deprive the writ petitioner from the pensionary benefits as she is the first wife.

4. A second submission is advanced that pension is not an estate which can be bequeathed and therefore, the writ petitioner who is the first wife is the natural beneficiary of the pensionary benefits being widow of the deceased Government employee. In support of such submission, he relied upon the decision of the Apex Court in the case of ***Smt. Violet Issaac & Ors. Vs. Union of India & Ors.*** reported in ***(1991) 1 SCC 725***.
5. It is submitted that the Hon'ble Single Judge has erred in rejecting the petitioner's claim.
6. The learned advocate for the respondent Bank on the other hand submits that the 2014 Regulations relied upon by the learned advocate for the appellant are akin to the Regulations of the State Bank of India in this regard framed by the competent authority.
7. Under Rule 23(5) of the State Bank of India Employees' Pension Fund Rules, the Central Board of the Bank approved the terms and conditions for grant of pensionary benefits. According to the terms and conditions specified by

the Bank, it was incumbent upon the employee to submit a declaration of family members, which declaration was submitted by the writ petitioner's claimed husband by Annexure R-I to the writ petition. The declaration of family members did not include the present writ petitioner and therefore, the Bank had no option/discretion but to pay the benefits of family pension to the dependants declared by the deceased employee.

8. The so called second wife, respondent no.3 is not represented in this proceeding.
9. The learned advocate for the appellant submits that he would serve notice upon the respondent no.3, so that the Court may consider her version also.
10. Let a notice be served on respondent no.3 and affidavit-of-service be filed when the matter is taken up next on the other side of the summer vacation.
11. Let the matter be listed on **15th June, 2026** under the appropriate heading.

(Madhuresh Prasad, J.)

(Prasenjit Biswas, J.)