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NANDY

(DO)

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA/10053/2025

GOURI BISWAS & ORS.

VS

THE STATE OF WEST BENGAL ORS.

Mr. Tulsi Das Roy, Advocate
Mr. Tirthankar Roy, Advocate

.....for the Petitioners

Mr. Pradip Paul, Advocate
Mr. Koushik Bhatta, Advocate
Mr. Mrinal Kanti Biswas, Advocate
Mr. Vinayak Choubey, Advocate

.....for the State

1. Affidavit of service, as filed, be kept with the record.
2. The petitioners are aggrieved that their application for family pension after the death of the deceased employee, has not been considered at all. The husband of the petitioner no. 1, employed with the National Volunteer Force, rendered service between the years 1988 and 2010.
3. The said employee expired sometime in the year 2024.
4. The petitioners, claiming to be heirs and legal representatives of the said employee, have carried this writ-petition alleging that their entitlement to *ex gratia* has not been considered by the authorities.
5. Learned Advocate for the State submits that the application and the surrounding circumstances are deeply shrouded in mischief on account of the following:
 - a) *There is no proper succession certificate on the basis whereof the authorities can come to a conclusion that the petitioners are indeed the heirs and legal representatives of the deceased employee.*
 - b) *The records of the employer reveal the name of the deceased employee to be 'Prashanta Kumar Biswas', whereas in all documents, including the application made by the employee, he has described himself as 'Sushanta Biswas'.*

6. There is a clear dichotomy in the identity and the name of the deceased employee and his relation to the petitioners herein.
7. The petitioners are at liberty to obtain a proper Succession Certificate from the concerned District Magistrate and to produce all requisite documents, not only to establish their status as the heirs and legal representatives of the deceased employee, but also to disclose and establish the identity of the deceased employee, including the name.
8. Only if these parameters are met and satisfactorily explained to the concerned authority, will the concerned authority proceed to pass an order regarding the payment of *ex gratia*.
9. If such an application is made with all requisite documents by the petitioners herein, the concerned authority will dispose of the same within a period of 8 weeks from the date of receipt of such application.
10. With the afore-stated directions, the writ-petition is **disposed of**.
11. Urgent Photostat Certified Copy of this order, be given to the parties, if applied for, upon compliance necessary formalities.

(Reetobroto Kumar Mitra, J.)

