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2021

**In the High Court at Calcutta
Constitutional Writ Jurisdiction
(Via Video Conference)**

W.P.A.13806 of 2019

**Sonali Hatua Giri
Versus
Union of India and others**

Mr. Sankar Nath Mukherjee,
Mr. Niraj Gupta,
Mr. Priyabrata Saha,
Mr. Adutya Biswas,
Ms. Parna Mukherjee.
...for the petitioner.

Mr. Rudraman Bhattacharya,
Mr. Anuran Samanta,
Ms. Moumita Karmakar.
...for the Union of India.

Arguments are advanced by both sides on the *vires* of Clause 5.2.5 of the Guidelines for Disbursement of Central Samman Pensions to be followed by Authorized Public Sector Banks.

Regarding the merits on the factual score, learned counsel for the respondent-authorities submits that, at present, a reference before a larger Bench is pending pertaining to the issue as to whether a widow/divorced daughter can be placed on a similar footing as an unmarried daughter for the

purpose of interpretation of Clauses 5.2.3 and 5.2.5 of the said Guidelines. As such, it is urged that the matter may be postponed till the hearing of the said reference before the Supreme Court.

Learned counsel for the petitioner argues that the reference before the larger Bench of the Supreme Court arose from a Himachal Pradesh High Court judgment, which probably did not take into account a previous judgment of the Supreme Court on the same point, which regarded unmarried and widow/divorced daughter at par.

Be that as it may, in view of the pendency of the matter relating to conjoint interpretation of the aforementioned clauses before the Supreme Court, judicial decorum prevents this Court from going into the factual aspects of the matter in the event both Clauses 5.2.3 and 5.2.5 subsist in the Guidelines. However, such question becomes redundant in the event the petitioner succeeds in having a declaration from this Court that Clause 5.2.5 is *ultra vires*, since in that event, the subsistence of apparently contradictory clauses would not come into question at all.

As such, let the matter be enlisted on March 12, 2021 at 10.30 a.m., when both sides shall file

their respective written notes of arguments on the *vires* of Clause 5.2.5 of the Guidelines.

(Sabyasachi Bhattacharyya, J.)