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03.10.2023
S.D.

W.P.A. 19537 of 2023

**Smt. Chandana Ram
Vs.
State of West Bengal & Ors.**

Mr. Saptarshi Banerjee
Mr. Gour Baran Sau
..For the Petitioner

Mr. Pantu Deb Roy
Mr. Subrata Guha Biswas
...For the State

Mr. Amal Kumar Sen, AGP,
Mr. Sabyasachi Mondal
...for the NBSTC

By an order dated June 26, 2022, this Court had directed the representation of the petitioner dated April 26, 2018 to be considered by the Managing Director, NBSTC upon giving a personal hearing to the petitioner or her delegated representative. The petitioner's husband was a regular employee of NBSTC. He died-in-harness on December 24, 2000.

It is petitioner's case that her husband went missing on December 25, 2000 and a Missing Diary was lodged on January 10, 2001. Thereafter, the petitioner received an order dated July 21, 2009 issued by the disciplinary authority and the Managing Director that her husband's

service was terminated with immediate effect as he was unauthorizedly absenting himself from service with effect from 2000. The petitioner approached the appropriate Civil Court for declaration of death of her husband. By an order dated July 17, 2017, the learned Civil Judge, Junior Division, 1st Court, Malda declared the petitioner's husband as "dead" with effect from December 24, 2000. Thereafter, the petitioner made a representation on April 26, 2018 for disbursement of the admissible dues of her late husband and also for consideration of the appointment of her son on compassionate ground.

Mr. Sen, learned Additional Government Pleader appearing on behalf of the NBSTC submits that the petitioner is not cooperating with the authorities. After 17 years from the date of death, the representation for appointment of the petitioner's son on compassionate grounds and also for disbursal of terminal benefits have been made by the petitioner. Due to the inordinate delay, prayer for compassionate appointment could not be considered.

This Court finds no infirmity in such decision making process of the respondent authorities.

As far as terminal benefits were concerned, it is submitted by Mr. Sen that no application in appropriate form has been made till date for grant of terminal benefits by the petitioner, despite repeated letters by NBSTC to the petitioner.

Considering the rival submissions of the parties and the materials placed on record that justice will be subserved by directing the NBSTC to submit written instructions annexing the necessary forms required to be filed by the petitioner for grant of terminal benefits of her husband. This Court cannot lose sight of the fact that the petitioner is a poor widow and most likely to be an illiterate person who has no idea about the appropriate applications required to be made.

Let such written instructions be brought on record on the adjourned date of hearing.

Let the matter appear for further consideration under the same heading “**Motion**” on **October 16, 2023**.

All parties shall act on the server copy of this order duly downloaded from the official **website** of this Court.

(Lapita Banerji, J.)

