

**IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
ORIGINAL SIDE**

Present:

The Hon'ble Justice Ananya Bandyopadhyay

**WPO/625/2019
WITH
WPA/13652/2017**

**SANTI CHATTERJEE
VS
THE STATE OF WEST BENGAL AND ORS**

For the Petitioner : Mr. Victor Chatterjee

For the Respondent
Nos. 4 & 5 : Mr. Suman Basu

For the State : Mr. Debangshu Biswas

Judgment on : 02.09.2026

Ananya Bandyopadhyay, J.:-

1. Heard the submissions of the Learned Advocates representing the respective parties.
2. The petitioner invoked the writ jurisdiction of this Court seeking release of family pension and other death benefits arising from the service of late Tarak Nath Chatterjee, who served as a Process Server in the Nazir Department under the District Judge, Howrah. Her claim rested upon her assertion that her marriage with the deceased employee was solemnised on 2nd May, 1974,

according to Hindu rites and customs and that a male child was born from the marriage on 15th September, 1975.

3. The petitioner relied upon Matrimonial Suit No. 601 of 2010, instituted by late Tarak Nath Chatterjee before the learned District Judge, Howrah, seeking dissolution of his marriage with the petitioner. She also relied upon Matrimonial Suit No. 41 of 2013, instituted by him before the learned Additional District Judge, Bardhaman. The latter proceeding was dismissed by order dated 19th May, 2014, following his death on 14th November, 2013.
4. The petitioner further relied upon proceedings relating to maintenance. An order dated 10th January, 1995 was passed by the learned Chief Judicial Magistrate, Birbhum at Suri, in Misc. Case No. 15 of 1993 under Section 125 of the Code of Criminal Procedure. In a subsequent proceeding, being Misc. Case No. 84 of 2009, an order was passed directing payment of maintenance at the rate of Rs.3,000/- per month upon consideration of a petition under Section 127 of the Code.
5. The petitioner thereafter asserted that late Tarak Nath Chatterjee had contracted another marriage with Anima Chatterjee on 28th January, 1984. Anima Chatterjee had instituted W.P. No. 13652(W) of 2017 before this Court claiming pension and other death benefits on the basis of her asserted matrimonial relationship with the deceased. The petitioner had also sought her impleadment in that proceeding.
6. The petitioner's claim consequently depended upon the proposition that her marriage of 2nd May, 1974 continued to subsist on 28th January, 1984 and

that the subsequent marriage asserted by Anima Chatterjee therefore carried no legal consequence in relation to the pensionary and death benefits of the deceased.

7. The affidavits in opposition, however, disclosed a different position emerging from the official service and pension records. The respondents stated that late Tarak Nath Chatterjee had retired from service on 31st January, 2012 and that the pension papers submitted at the time of his retirement recorded the name of his wife as Shanti Chatterjee. The pension records also referred to the matrimonial proceeding pending before the learned District Judge, Howrah.
8. The respondents further stated that the Pension Payment Order had been issued without recording family pension. A communication bearing Memo No. 415/A dated 21st April, 2017, issued from the Accounts Department of the District Judge, Howrah, had called upon the petitioner to furnish documents in support of her pension claim, including the original death certificate, indemnity bond, identity documents, certified copy of Matrimonial Suit No. 41 of 2013 and other documents relating to the pension papers.
9. The affidavit filed on behalf of the Accounts authorities further disclosed that the processing of family pension depended upon receipt of an appropriate proposal from the Pension Sanctioning Authority. The Accounts authorities also stated that they had no independent role in determining the person entitled to family pension in the absence of such a proposal.

10. The material placed before the Court thus reveals a controversy which extends beyond the processing of a pension claim. The petitioner's entitlement depends upon a prior determination of her matrimonial status in relation to the deceased and upon the legal consequence of the subsequent marriage asserted by Anima Chatterjee.
11. That determination does not fall within the scope of the present writ proceeding. The question whether the petitioner was the spouse of late Tarak Nath Chatterjee in the manner recognised by law, whether the marriage of 2nd May, 1974 continued to subsist on 28th January, 1984, and what legal consequence followed from the subsequent marriage involved questions of matrimonial status carrying substantive civil consequences.
12. The Court exercising jurisdiction under Article 226 of the Constitution can examine the legality of administrative action, the discharge of public duties and the decision-making process adopted by a public authority. Such jurisdiction does not extend to converting a proceeding concerning pensionary administration into an adjudication upon competing matrimonial claims.
13. The distinction assumes particular significance in the present matter. The petitioner seeks a direction for release of family pension in her favour. Such direction necessarily requires a prior conclusion that she possesses the status upon which that entitlement rests and that the competing claim founded upon the subsequent marriage carries no legal efficacy.

14. The Court cannot reach such a conclusion merely by examining the service records, pension papers, marriage certificate, maintenance orders or matrimonial proceedings placed before it. Those materials may possess evidentiary significance, but their cumulative legal effect upon the matrimonial status of the parties requires adjudication by the forum vested with jurisdiction to determine that question.

15. The same limitation governs the administrative authorities. The District Judge, Howrah, in the administration of the District Judiciary, may examine the service book, pension papers, declarations, certificates, judicial orders and other documents forming part of the official record. The authorities may verify such material and process the claim in accordance with the applicable pension rules.

16. The District Court administration, however, cannot assume the jurisdiction of a matrimonial court. It cannot pronounce upon the validity of the marriage of 2nd May, 1974, determine whether that marriage continued to subsist on 28th January, 1984, decide the legal effect of the subsequent marriage or adjudicate between rival claimants asserting matrimonial status.

17. An entry in a service book or pension paper remains an administrative record. It does not constitute a judicial declaration of matrimonial status. Likewise, a document produced by a claimant in support of a pension claim does not, by its mere production, confer upon the administrative authority jurisdiction to determine a contested matrimonial relationship.

18. The orders passed in the maintenance proceedings also do not furnish the basis for the declaration sought in the present proceeding. They may form part of the material before the competent forum, but they cannot be treated in this proceeding as a final adjudication of the competing claims to family pension.

19. The order dated 19th May, 2014 in Matrimonial Suit No. 41 of 2013 also does not determine the controversy. The proceeding ended after the death of the plaintiff-husband and did not result in an adjudication upon the matrimonial status now asserted by the rival claimants.

20. The jurisdictional difficulty therefore arises at the very source of the relief sought. The petitioner asks for a consequential administrative direction, but the grant of that direction first requires an adjudication of a substantive matrimonial right. Article 226 cannot be employed for obtaining such adjudication in the guise of a direction concerning pensionary benefits.

21. The Court consequently refrains from expressing any opinion upon the validity of the marriage asserted by the petitioner on 2nd May, 1974, the marriage asserted by Anima Chatterjee on 28th January, 1984, or the legal consequences flowing from either relationship. No finding upon the matrimonial status of either claimant is called for in the present proceeding.

22. The petitioner remains at liberty to pursue an appropriate proceeding before the competent forum for determination of her matrimonial status and the rights, if any, flowing from such status. Any adjudication rendered by such forum may thereafter be placed before the competent administrative authorities

for consideration of the pensionary and other death benefits in accordance with law.

23. The administrative authorities shall, in the meantime, remain entitled to deal with the pension records and supporting documents in accordance with the applicable rules. Such administrative exercise, however, cannot include an adjudication of competing matrimonial rights.

24. The writ petition, therefore, fails for want of an adjudicated basis upon which the relief claimed against the pension authorities can presently be granted.

25. W.P.O. No. 625 of 2019 is dismissed.

26. There shall be no order as to costs.

27. All connected applications, if any, stand disposed of.

28. It is clarified that this order records no determination regarding the matrimonial status of the petitioner, Anima Chatterjee or any other claimant in relation to late Tarak Nath Chatterjee. The competent forum shall determine that question on the evidence and materials placed before it, without being influenced by any observation contained in this order.

(Ananya Bandyopadhyay, J.)