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22.12.2023
Ct. No. 15
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W.P.A. 3210 of 2016

**Smt. Smriti Ganguli
Vs.
The Howrah Municipal Corporation & Ors.**

**Mr. Tapan Kr. Mahapatra
Ms. Arpita Pradhan
....for the petitioner**

**Mr. Sandipan Banerjee
Mr. Ankit Sureka
Mr. Sobhan Majumder
...for the HMC**

**Ms. Roma Halder
Ms. Tanuja Basak
...for the State**

The husband of the petitioner was an employee of Howrah Municipal Corporation who retired on superannuation on 31st July, 1996 and subsequently died on 13th December, 2009. During the life time of employee retiral dues were not released in his favour. Wife of the petitioner is entitled to receive family pension and life time arrear pension upon compliance of necessary formalities as it is contended on behalf of the petitioner. Unfortunately after the death of the husband of the petitioner no contemporaneous steps were taken by the Howrah Municipal Corporation being the pension sanctioning authority and the Director of Pension, Provident Fund and Group Insurance (hereinafter referred to as "DPPG") for expeditious settlement of pension case of the petitioner which triggered the present

writ petition. The widow being the petitioner has laid a claim for release of terminal benefits due to death of her husband and release of family pension.

On few occasions pension file of the petitioner was forwarded by the Howrah Municipal Corporation to the DPPG but on all the occasions the pension file was returned due to want of legal heir certificate. By filing a report on behalf of Howrah Municipal Corporation it was disclosed before this Court that lastly the pension file of the petitioner was submitted before the DPPG on 30th May, 2023, but unfortunately the same was returned by the DPPG on 13th June, 2023. At present pension file is lying with Howrah Municipal Corporation.

Writ petition has been heard on number of occasions and today a stand has been taken on behalf of DPPG that family pension which is payable to the petitioner being the widow of the deceased retired employee may be released from the date following the date of death of the retired employee upon issuance of Pension Payment Order for which legal heir certification is not required. But for release of life time arrear pension which includes arrear pension and retiring gratuity of the deceased employee, petitioner is required to submit legal heir certificate since on scrutiny of pension file no document was found by which deceased employee made nomination in favour of his wife, being the petitioner, while he was in service. In this regard reference has been

made to one memorandum being No. 6725-F dated 7th July, 1990 of the Finance Department, Audit Branch. On perusal of paragraph 4 of the said memorandum dated 7th July, 1990 it transpires that in the event of any doubt while processing pension case relating to eligibility and identity of the claimant, payment needs to be made on production of succession certificate.

In the present case husband of the petitioner retired on 31st July, 1996 and died on 13th December, 2009 but there is no claim laid by any other person apart from the petitioner herein claiming life time arrear pension as it has been submitted by the learned advocate representing Howrah Municipal Corporation being the pension sanctioning authority. The learned advocate for the petitioner submits that deceased retired employee of Howrah Municipal Corporation has left behind two successors namely his son Arindam Ganguli and his wife Smt. Smriti Ganguli being the petitioner in this writ petition.

In view of the stand taken on behalf of DPPG there is no impediment in issuing Pension Payment Order for release of family pension; the DPPG is directed to issue Pension Payment Order within 7 (seven) days from the date of receipt of pension file from Howrah Municipal Corporation and Corporation shall submit the pension file by 26th December, 2023.

The DPPG is also directed to hear the petitioner and her son namely Arindam Ganguli and a concerned officer of Howrah Municipal Corporation in order to grant the heirs opportunity to prove their identity being the successors of the deceased retired employee of Howrah Municipal Corporation upon production of relevant documents including photo identity cards in original and in this regard aforesaid persons shall be put on notice intimating the date and time of hearing. If on examination of the relevant documents of the wife and son of the deceased retired employee the DPPG is satisfied about the identity of those persons he shall take expeditious steps for release of life time arrear pension. The above exercise shall be completed by the DPPG within a period of 6 (six) weeks from the date of communication of this order.

In the event DPPG is not satisfied on the identity of the petitioner and her son he shall pass reasoned order and inform the petitioner and her son that what would be the available alternative steps which the successors of the deceased retired employee are required to take for receiving life time arrear pension.

With the aforesaid directions and observations the writ petition stands disposed of.

There shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)