

(2010) 04 CAL CK 0008

Calcutta High Court

Case No: Writ Petition No. 488 of 2010

Asia Bibi

APPELLANT

Vs

Board of Trustees For Port of
Calcutta and others

RESPONDENT

Date of Decision: April 26, 2010

Acts Referred:

- Constitution of India, 1950 - Article 226

Citation: (2010) 127 FLR 152

Hon'ble Judges: Jayanta Kumar Biswas, J

Bench: Single Bench

Advocate: Hiranmoy Bhattacharya, for the Appellant; Samapti Chatterjee and Ms. Tanusree Das Gupta, for the Respondent

Final Decision: Dismissed

Judgement

Jayanta Kumar Biswas, J.

The petitioner in this Article 226 petition dated March 31, 2010 is seeking a mandamus commanding the respondents to consider her representation dated November 29, 2009, Annexure P4 at p. 16.

2. Annexure P4 is not a representation, but a legal notice sent by the petitioner to the Chairman and the Senior Accounts Officer (Pension) of the Kolkata Port Trust through her lawyer. In the notice she claimed that as the legally married wife of one Kaloo-II, a former employee of the port trust, she was entitled to "widow pension".

3. The question is whether the petitioner had a legal right to claim "widow pension". Admittedly, Kaloo-II removed from service with effect from March 23, 1995 and died on January 22, 2001 was not paid any pension by the port trust. Pension case of an employee of the port trust was and is governed by the Calcutta Port Trust Employees" (Pension) Regulations, 1988. Regulation 14 provides that dismissal or removal of an employee from a service or post entails forfeiture of his past service.

4. It is, therefore, evident that Kaloo-II himself was not entitled to any pension, his removal from service having entailed forfeiture of his entire past service. Hence there is no scope for saying that the petitioner as the wife of the deceased employee removed from service by the employer acquired a right to get "widow pension" or any other pension. I, therefore, do not find any reason to issue a mandamus commanding the port trust to decide her claim for pension.

For these reasons, the petition is dismissed. No costs. Certified