02.09.2026
Ct. No.32
D.L.2
(pp)

IN THE HIGH COURT AT CALCUTTA
Special Civil Jurisdiction
Appellate Side

W.P.C.R.C. 36 of 2026

Asit Kumar Pradhan & Ors.
Vs.
B. K. Srivastava & Ors.

Mr. Sk. Rejaul Alam
....for the applicant/petitioner.
Mr. Anirban Mitra
....for the alleged contemnor nos.1 & 2.

Mr. Bishwambher Jha
....for the alleged contemnor no.3.

The only outstanding issue is the interest payable on the arrear amount of Rs.15,98,124/- as directed to be paid to the original writ petitioner by the order dated 13th December, 2021, being the order under contempt.

The alleged contemnors no. 1 and 2 are directed to disburse the amount which had accrued as interest on Rs.15,98,124/- as per the order dated 13th December, 2021 by 30th September, 2026.

The alleged contemnor no.3, on receiving such money from the alleged contemnor nos.1 and 2, shall pay the same to the present petitioners who are the legal heirs/heiresses of the writ petitioner, since deceased upon due and proper identification as indicated in the order dated 28th August, 2026 for payment of principal sum of Rs.15,98,124/-.

The legal heirs/heiresses of the deceased writ petitioner are not entitled to any further amount as this money which fell in arrear was on account of family/widow pension available to the original writ petitioner/Rekha Jana since deceased.

It is settled position of law as held by the Hon'ble Supreme Court in the judgment reported in (2016) 16 SCC 229 (Nitu vs. Sheela Rani and others) that pension does not form part of the estate of the deceased employee since the same is available only the widow or the dependent as per the applicable service rule. It cannot also be bequeathed by way of will.

In such circumstances, nothing further remains to be adjudicated in this contempt proceedings.

The contempt proceedings is dropped. The Rule stands discharged. The application being CPAN 1374 of 2022 along with WPCRC 36 of 2026 stands disposed of.

(Arindam Mukherjee, J.)