

IN THE HIGH COURT AT CALCUTTA
[CIRCUIT BENCH AT PORT BLAIR]

WPA/417/2025

Smti. B. Sumati

Vs

The Lt. Governor and Others

Mr. Lokesh Chezian N. ... for the petitioner

Mr. Rakesh Kumar ... for the respondents

August 28, 2025
[AKB]
Item No.4

The petitioner has preferred the present writ petition being aggrieved by the inaction of the respondents in not deciding her application for release of the pensionary benefits of her late husband U. Balakrishnan, who was serving as a Sanitary Mazdoor under Sri Vijaya Puram Council.

The husband of the petitioner expired on 20.03.2024 leaving behind the petitioner (wife) and three children and his mother as surviving dependents. The petitioner obtained a Family Member Certificate dated 15.04.2025 from the Tehsildar, Sri Vijaya Puram Tehsil, South Andaman. On the basis of the said certificate, she applied for release of her pensionary benefits.

The respondent No.3, however, vide communication dated 30.04.2025, directed the petitioner to produce a Legal Heir Certificate. The petitioner contends that since she had already submitted a Family Membership Certificate, there was no requirement for producing a separate Legal Heir Certificate, and accordingly she submitted a representation dated 08.05.2025 requesting the respondents to release the pensionary benefits.

This Court has heard the arguments advanced by the counsel for the petitioner and has perused the materials on record.

It is evident that the respondents are insisted upon submission of a Legal Heir Certificate in terms of the governing rules/procedure for settlement of pensionary benefits.

It is a well-settled principle that a Family Membership Certificate and a Legal Heir Certificate are distinct documents serving different purposes. A Family Membership Certificate is ordinarily issued by the Revenue or Tehsil authorities to certify the individuals who constitute a person's family for general identification and administrative purposes. This certificate typically includes the names of parents, spouse, children, and siblings. However, the inclusion of a person's name in a Family Membership Certificate does not automatically confer any right of inheritance. In contrast, a Legal Heir Certificate is issued specifically to establish the lawful heirs of a deceased person. It is a mandatory document for the settlement of pensionary benefits, service dues, and other claims arising out of succession. Its purpose is to safeguard against rival claims and disputes relating to inheritance. This certificate contains only the names of those individuals who are legally recognized as heirs of the deceased under the applicable personal or succession laws. Accordingly, both certificates are separate in nature and serve different legal and administrative functions.

In the present case, the petitioner has admittedly not produced the Legal Heir Certificate as required by the respondents. Without such certificate, the respondents cannot be compelled to process the claim, since release of pensionary benefits in the absence of Legal Heir Certificate would not only be contrary to the established rules but may also expose the authorities to multiplicity of claims or potential disputes in future.

This Court, therefore, finds no infirmity in the action of the respondents in keeping the petitioner's application in abeyance till the Legal Heir Certificate is furnished.

The petitioner is at liberty to obtain and produce the Legal Heir Certificate before the competent authority, upon which the respondents shall process and disburse the pensionary benefits as expeditiously as possible, in accordance with law.

In view of the same, there is no merit in the present writ petition and the same is dismissed.

(Gaurang Kanth, J.)