

ORDER SHEET**WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-**

The Hon'ble Justice Soumitra Pal (Chairman)
& The Hon'ble Mr. Subesh Kumar Das (Administrative Member)

Case No – O.A. 283 of 2019

SOVINA KHATUN Vs The State of West Bengal & Ors.

Serial No. and Date of order. 1	Order of the Tribunal with signature 2	Office action with date and dated signature of parties when necessary 3
<p>5</p> <hr/> <p>05.07.2019</p>	<p>For the Applicant : Mr. M. Ahmed, Advocate</p> <p>For the State Respondent: Mr. G.P. Banerjee, Advocate</p> <p>For the Principal Accountant : Mr. B. Mitra, General(A&E), West Bengal : Departmental Representative</p> <p>Let affidavit of service filed today be kept on record.</p> <p>Since despite service none appears on behalf of the respondent nos. 1, 2 and 3, Mr. G.P. Banerjee, learned advocate, who normally appears on behalf of the State respondents, is requested to appear in this matter. The learned Legal Remembrancer, West Bengal is directed to regularise his appointment. Let a copy of the original application be served on Mr. Banerjee, which is served and accepted.</p> <p>Heard Mr. B. Mitra, Departmental Representative for the Principal Accountant General (A&E), West Bengal, Kolkata, the respondent no.2.</p>	

ORDER SHEET

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	<p>In this application, Sovina Khatun, the applicant has prayed for a direction upon the respondents to release family pension along with arrears with interest in view of the succession certificate granted on 22nd November, 2016 under Section 377 of the Indian Succession Act, 1925 by the District Delegate, Rampurhat Birbhum, which is annexure “E” to this application.</p> <p>It is submitted on behalf of the applicant that Sattar Ali, since deceased was an employee / Khalasi under the Executive Engineer, Mayurakshi North Canal Division and was posted at Nalhati, Birbhum. Sattar Ali joined service on 15th July, 1980 and superannuated on 31st May, 2002. His superannuation benefits were sanctioned in terms of the Death-cum-Retirement Benefit Rules, 1971. Sattar Ali had nominated Hamida Bibi, his first wife to receive the pension. However, during his life time she expired on 20th February, 2008. After death of Hamida Bibi, Sattar Ali married the applicant which was solemnised before the Muslim Marriage Registrar and Kazi on 16th June, 2009. Thereafter, Sattar Ali expired on 20th August, 2011. After the death of Sattar Ali, as the applicant was nominated to receive the pension admissible under the Rules, she made an application before the Treasury Officer of Rampurhat Treasury, Birbhum, the respondent no.3. However, as no steps were taken, the applicant moved an application being O.A. 50 of 2012</p>	

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	<p>which was disposed of on 26th September, 2012 when the Tribunal, on the prayer of the learned advocate for the applicant, allowed the applicant to withdraw the original application as stated in the application. Thereafter, the applicant had moved before the competent court to obtain succession certificate. According to the applicant, she has received the succession certificate as evident from annexure “E” to the application. Prayer is in spite of the directions in the certificate, the respondent authorities are yet to disburse pension.</p> <p>As evident from the letter dated dated 21st April, 2017, the Senior Accounts Officer of the Indian Audit & Accounts Department, in the office of the Principal Accountant General (A&E), West Bengal, had requested, the applicant to contact the Executive Engineer, Mayurakshi North Canal Division, Birbhum for having family pension.</p> <p>Mr. M. Ahmed, learned advocate for the applicant submits that since in spite of succession certificate, his client is not getting the dues of late Sattar Ali, her husband, appropriate order may be passed.</p> <p>It appears that the applicant pursuant to the letter dated 21st April, 2017, issued by the Principal Accountant General (A&E), West Bengal, had applied for family</p>	

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SCN.	<p>pension before the Executive Engineer, Mayurakshi North Canal Division, Birbhum, as evident from Annexure “F” to the application, which is yet to be disposed of by the said respondent no.4.</p> <p>Mr. Banerjee, learned advocate submits that the respondent no.4 may be directed to consider the representation appearing at annexure “F” to this application. Mr. Mitra, Departmental Representative of respondent no.2 adopts the submission of Mr. Banerjee.</p> <p>Having heard Mr. Ahmed, Mr. Banerjee, the learned advocates for the parties and Mr. Mitra, the Departmental Representative and considering the facts and circumstances of the case, the original application is disposed of by directing the Executive Engineer, Mayurakshi North Canal Division, Birbhum, the respondent no.4 to dispose of the representation being annexure “F” to the original application by passing a reasoned order to be communicated to the parties within twelve weeks from the date of presentation of a copy of this order after giving an opportunity of hearing and after making necessary enquiry.</p> <p>(S.K. Das) MEMBER (A)</p> <p>(Soumitra Pal) CHAIRMAN</p>	