

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. 438 of 2019

SNIGDHA DAS MONDAL 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>3</p> <hr/> <p>26.08.2019</p>	<p>For the Applicant : Mrs. S. Bhattacharya, Advocate</p> <p>For the Respondents : Mr. G.P. Banerjee, Advocate</p> <p>Affidavit of service filed today be kept on record. Despite service of notice none has appeared on behalf of the private respondent nos. 5 and 6.</p> <p>In this application, the applicant, - who was the wife of late Joy Das, an ex-employee of Department of Health and Family Welfare, - has prayed for certain reliefs, the relevant portion of which is as under:</p> <p style="padding-left: 40px;">“8.....(a) An order to issue setting thereby aside the reasoned order dated 06.03.19 passed by the CMOH, Purulia.</p> <p style="padding-left: 40px;">(b) An order do issue directing thereby the concerned authorities to disburse a portion of family pension of deceased Joy Das in favour of applicant without any delay.”</p>	

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	<p>Heard Mrs. S. Bhattacharya, learned advocate on behalf of the applicant and Mr. G.P. Banerjee, learned advocate for the respondents. It appears that the marriage between the applicant and Joy Das was registered under Hindu Marriage Act on 30th March, 2012 and out of the said wedlock one male child Atanu Das was born. It has been stated that Joy Das has also left behind another daughter Dolly Das and another son Jeet Das out of the wedlock between Joy Das and the first wife Joba Das, since deceased. It appears that Joy Das expired on 2nd March, 2017. In the instant application the applicant has challenged the reasoned order passed pursuant to the direction of the Tribunal dated 4th December, 2018 in O.A. 229 of 2018 : Snigdha Das Mandal Vs. The State of West Bengal, the relevant portion of the said order is as under :</p> <p style="text-align: center;">“Mat Suit – 143 / 12, Sri Ujjal Saha V/s- Smt. Snigdha Saha, Order No-25 dated 07.04.2016 issued by the Ld. Addl. District Judge, Katwa, ORDERED “That this matrimonial suit is allowed exparte. The marriage which was solemnized between the petitioners Ujjal Saha and Snigdha Saha on 03rd August 2009 is served (<i>sic</i>) from this date and thus the same</p>	

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SCN.	<p>is dissolved. Let a decree be drawn to the effect. This suit remains thus disposed off (<i>sic</i>).” Examining all papers as received, verbal discussion with applicant and private respondents & other officials the undersigned agree with the legal heir certificate issued by the District Magistrate, Purulia, Revenue Munhikhana Section and come to the opinion that all the claims will be divided in three equal share to Jeet Das, Doli Das & Atanu Das & the service on compassionate ground may be offered to Jeet Das or Doly Das.”</p> <p>Since it is evident that the marriage between the applicant and late Joy Das was dissolved by order dated 7th April, 2016 passed in Mat Suit – 143 / 12, Sri Ujjal Saha V/s- Smt. Snigdha Saha, the applicant cannot claim to be the wife of the ex-employee and seek for orders. Therefore, no order is passed in this application. The application is disposed of.</p> <p>(S.K. Das) MEMBER (A)</p>	<p>(Soumitra Pal) CHAIRMAN</p>