

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. 755 of 2018

SUSAMA DAS 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>05.03.2019</p>	<p>For the Applicant : Mr. P.S. Das, Advocate</p> <p>For the State Respondent: Mr. M.N. Ray, Advocate</p> <p>For the Principal Accountant : Mr. B. Mitra, General (A&E), West Bengal Departmental Representative</p> <p>Let affidavit of service affirmed on 5th March, 2019 filed today be kept on record.</p> <p>It is submitted by Mr. P.S. Das, learned advocate for the applicant that though pursuant to the order dated 18th January, 2019 a copy of the original application was sent to Pritikana Das, alias Susama Das, the private respondent no.9 by post, however, it has come back with the postal note that it could not be delivered due to “insufficient address”. It is submitted that since it is evident that the applicant is the first wife of Prangobinda Das, who had expired on 23rd January, 2005, appropriate order directing grant of family pension be passed.</p> <p>Mr. M.N. Ray, learned advocate on behalf of the State respondent submits on instruction that though</p>	

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	<p>pursuant to the order dated 11th March, 2016 passed in O.A. 1175 of 2013 (S. Das Versus Government of West Bengal & Others) the police was instructed to find out the identity of Pritikana Das, alias Susama Das, the added private respondent no.9, however, he has not received any reply.</p> <p>We find from the application that the applicant had earlier had moved an application being O.A. 1175 of 2013 which was disposed of by passing an order, the relevant portion of which is as under :</p> <p>“In the circumstances above, we think it proper and wise that the department should enquire into the matter itself or through the police and come to a conclusion regarding the identity of the claimants and thereafter take necessary action in the matter of issuing family pension in favour of the right person.</p> <p>Therefore, we dispose of this application with a direction on the Sub-divisional Information and Cultural Officer, Jailpaiguri to enquire into the matter either by himself or by taking help of police, identify the right spouse, if any, of late Priti Kana Das and take proper steps in accordance with rules in the matter of issuing family pension. Department may also ask Susama Das to produce succession certificate.</p>	

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	<p>With the above direction, we dispose of this application.</p> <p>The process should be completed within 6 (six) months.....”</p> <p>Subsequently, the Tribunal by order dated 21st February, 2017 had corrected the order passed on 11th March, 2016 by passing an order the relevant portion of which is as under:</p> <p>“.....There is no Quorum today.</p> <p>But keeping in view of the fact that Shri Partha Sarathi Das, Learned Advocate appearing for the Applicant has made a prayer for correction of the name of the Husband of the Applicant Shrimati Susama Das which is supported by documentary proof. I am of the view that instead of adjourning the matter further which will simply add to the agony of the Applicant, the said correction can be effected here and now.</p> <p>In page 33 of the Application which has been disposed of, it is found from the EPIC that the name of the Applicant’s Husband appears as “Prangobinda Das” whereas in the Order 07 dated 11.03.2016 in paragraph 7 it has been inadvertently written as “....of late Priti Kana Das</p>	

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SCN.	<p>.....”.</p> <p>With this aforesaid correction the rest of the Order No.07 dated 11.03.2016 will remain.</p> <p>While disposing of the Application by Order No. 07 dated 11.03.2016 Tribunal passed a direction that the process should be completed within six months. In view of the aforesaid correction made by the Tribunal today the period of six months now would be reckoned as two months from the date of receipt of the corrected Order.”</p> <p>We find that since the identities of the applicant and the private respondent require to be established which cannot be undertaken by the Tribunal, no order is passed on the application. The application is disposed of. The applicant is at liberty to apply before the appropriate forum ventilating her grievances.</p> <p>(S.K. Das) MEMBER (A)</p> <p>(Soumitra Pal) CHAIRMAN</p>	