

ORDER SHEET**WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-****The Hon'ble Justice Soumitra Pal (Chairman)****& The Hon'ble Mr. Subesh Kumar Das (Administrative Member)**

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 style="text-align: center;">3</p> <hr/> <p>17.08.2018</p>	<p>Case No. OA-1421 of 2014 : Koushik Saha Vs. The State of West Bengal & Ors.</p> <p>For the Applicant : Mr. A. Hati Mr. A.K. Dutta Ms. N. Barui Advocate</p> <p>For the Respondents: Mr. S. Ghosh Advocate</p> <p>For the Respondent No. 8 : Mr. S. S. Roy Advocate</p> <p>For the A.G., West Bengal : Mr. B. Mitra Departmental Representative</p> <p>Case No. OA-477 of 2018 : Prodyut Kumar Dutta Vs. The State of West Bengal & Ors.</p> <p>For the Applicant : Mr. S.S. Roy Advocate</p> <p>For the Respondents: Mr. S. Ghosh Advocate</p> <p>For the A.G., West Bengal : Mr. B. Mitra Departmental Representative</p> <p style="text-align: center;">The applications, being OA 1421 of 2014 (Koushik Saha vs. State of West Bengal & Ors.) and OA 477 of 2018 (Prodyut Kumar Dutta vs. State of West Bengal & Ors.), are taken up for hearing analogously. In</p>	

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	<p>the application filed by Koushik Saha that is OA 1421 of 2014, Prodyut Kumar Dutta is the respondent No. 8. In the said application, the relevant prayers are as under :</p> <p style="text-align: center;">“(a) To direct the respondent authorities to pay the entire death benefit to the applicant being the Nominee of Late Chandu Dutta forthwith.</p> <p style="text-align: center;">(b) To direct the respondents authorities not accept any prayer of Respondent No. 8 regarding the disbursement of death benefit of Late Chandu Dutta.”</p> <p style="text-align: center;">In application No. OA 477 of 2018 filed by Prodyut Kumar Dutta vs. State of West Bengal the principal reliefs, as sought for, are as under :</p> <p style="text-align: center;">“(a) To direct the respondent authorities to ascertain the Death benefit comprising inter alia Death Gratuity Rs. 4,92,804, Group Insurance Rs. 16,379, Leave Encashment Rs. 1,79,030 and salary upto 25th August 2012 Rs. 12,569 and General Provident Fund Rs.</p>	

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	<p>2,40,283 or any other amount as may be ascertained and disburse the same to the applicant.</p> <p>(b) To pay interest from the date of death of deceased employee till the date of actual disbursement @ 18 per cent per annum.”</p> <p>It is submitted by Mr. A. Hati, learned advocate appearing on behalf of the applicant in OA 1421 of 2014 that since in some of the government records his client was made the nominee of late Chandu Dutta whose assets have been directed to be distributed in the succession certificate, the money at the first instance be handed over to his client by the authorities. It is submitted by Mr. Hati that the applicant in OA 1421 of 2014 has not been made a party in the O.A. 477 of 2018. Submission is that the succession certificate was granted ex-parte without hearing Koushik Saha, the applicant in OA 1421 of 2014.</p> <p>Mr. S.S. Roy, learned advocate appearing on behalf of the applicant in the original application, being No. 477 of 2018, submits that since the District Delegate, Sealdah, 24-Parganas (South), pursuant to an application has granted succession certificate in the name of Prodyut Kumar Dutta, which is evident from pages 54 to 56 of the application, appropriate order may be passed upon the</p>	

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	<p>authorities to disburse the same in accordance with the certificate. In this connection Mr. S.S. Roy has also referred to page 53 of the reply filed in O.A. 1421 of 2014.</p> <p>Mr. S. Ghosh, learned advocate appearing on behalf of the State respondents submits that since the competent court of law has granted succession certificate on 10th July, 2014, appropriate direction may be issued upon the State authorities to disburse the same accordingly.</p> <p>Mr. B. Mitra, departmental representative on behalf of the Principal Accountant General (A&E), West Bengal supports the stand of Mr. S. Ghosh.</p> <p>Heard Mr. Hati, Mr. S.S. Roy, Mr. S. Ghosh and Mr. B. Mitra, departmental representative of the Principal Accountant General (A&E), West Bengal.</p> <p>In our view, the contentions raised by Mr. Hati on behalf of the applicant Koushik Saha cannot be accepted as a competent court of law, that is the District Delegate, Sealdah, 24-Parganas (South), has issued succession certificate in favour of Prodyut Kumar Dutta as evident from the records. This forum has no jurisdiction to deal with matters regarding grant of succession</p>	

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SCN.	<p>certificate. Hence, the application being O.A. 477 of 2018 is allowed, O.A. No. 1421 of 2014 is dismissed .</p> <p>Hence, the Principal, R.G. Kar Medical College, one of the respondents in the application, is directed to disburse the assets as indicated in the succession certificate dated 10th July, 2014, if not already disbursed, within eight weeks from the date of presentation of a copy of the certified copy of this order. The Senior Accounts Officer in the office of the Principal Accountant General (A&E), West Bengal, Kolkata, one of the respondents is directed to act accordingly. The O.A. No. 477 of 2018 stands disposed of.</p> <p>Urgent Photostat certified copy of this order, if applied for, be furnished to the parties on priority basis.</p> <p>(S.K. Das) MEMBER (A)</p> <p>(Soumitra Pal) CHAIRMAN</p>	