

**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 –OA 989 OF 2015

**PRADIP KUNDU & ORS. 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>17</p> <hr/> <p>24.09.2018</p>	<p>For the Applicant : Mr. M. Goswami Advocate</p> <p>For the State Respondents: Mr. A.L. Basu Advocate</p> <p>For the added respondents : None</p> <p>Affidavit of service filed be kept on record. Despite service of notice, none appears on behalf of the added respondents.</p> <p>Though the matter has appeared in the list under the heading “To Be Mentioned”, with the consent of Mr. M. Goswami, learned Advocate for the applicant and Mr. A.L. Basu, learned advocate for the State respondents, the matter is taken up for hearing.</p> <p>Mr. Goswami, learned advocate for the applicant, submits that the respondents may be directed to release G.P.F. and Death Gratuity of late Dilip Kundu, ex- Constable, in favour of the applicants as they are the sole heirs of the deceased. Submission is as Dilip Kundu, their brother did not marry and as it is evident from the memo</p>	

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	<p>dated 26<sup>th</sup> April, 2013 that no such record is available in the Service Book regarding marital status of the deceased employee, appropriate order may be passed to release the money after consideration of the representation 27<sup>th</sup> August, 2015. Submission is in view of the memo dated 26<sup>th</sup> April, 2013, the memo dated 18<sup>th</sup> June, 2015, issued by the Additional District Magistrate, (Gen), Purba Medinipur, holding that Arati Kundu and Sambhu Kundu, added respondents as the wife and the son respectively, is not correct, therefore, money released in favour of Arati Kundu and Sambhu Kundu may be directed to be refunded to the State authorities and the State authorities may be directed to pay it to the applicants, the actual legal heirs.</p> <p>Mr. A.L. Basu, learned advocate for the State respondents relying on the reply submits that the memo dated 18<sup>th</sup> June, 2015 which is subsequent to the memo dated 26<sup>th</sup> April, 2013 is just and proper and therefore, action of the respondents in releasing the money in favour of Arati Kundu and Sambhu Kundu is just and legal.</p> <p>In reply it is submitted by Mr. Goswami since civil disputes are involved leave may be granted to the applicants to file appropriate proceedings before the civil Court challenging the marriage.</p>	

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SCN.	<p>In view of the submission of Mr. Goswami and Mr. Basu, no order is passed on this application. However, as sought for by Mr. Goswami, the applicant is at liberty to file appropriate proceedings before the appropriate Court ventilating his grievances, if any and if so advised.</p> <p>The application is disposed of.</p> <p>(S.K. Das) MEMBER (A)</p> <p>(Soumitra Pal) CHAIRMAN</p>	