

ORDER SHEET
WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

**The Hon'ble Justice Ranjit Kumar Bag
& The Hon'ble Dr. Subesh Kumar Das**

Case No – OA 1095 OF 2017

Smt. Kanika Chatterjee 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 style="text-align: center;">03 26.02.2019</p> | <p>For the Applicants : Mr. M. Karim, Mr. A. Sinha, Learned Advocates.</p> <p>For the Respondent Nos. 1-5 : Mr. S. Bhattacharjee, Departmental Representative</p> <p>For the Pvt. Respondent : Mrs. S. Mitra, Learned Advocate.</p> <p>The applicant has prayed for direction upon the respondents for release of half share of gratuity, amount of GPF and arrears of salary of one Chandra Nath Chatterjee.</p> <p>It appears from the materials on record that Chandra Nath Chatterjee died on September 28, 2013 while he was working under the respondent no. 4. The applicant Kanika Chatterjee was married to Chandra Nath Chatterjee on February 3, 1991 as per Hindu Rites and Religion. Subsequently, Chandra Nath Chatterjee filed Mat. Suit No. 60 of 2005 against the applicant Kanika Chatterjee before the Court of Learned Additional District Judge at Katwa. The said Mat. Suit was decreed in terms of compromise between the parties on July 5, 2005. It appears from the compromise decree passed in Mat. Suit No. 60 of 2005 that the present applicant has received a sum of Rs.2,50,000/- from her erstwhile husband Chandra Nath Chatterjee as per permanent alimony. It further appears from the terms of compromise decree of Mat. Suit No. 60 of 2005 that the applicant relinquished her claim for maintenance from her erstwhile husband. By decree of divorce passed in Mat. Suit No.</p> | |

ORDER SHEET

Smt. Kanika Chatterjee

Form No.

Vs.

The State of West Bengal & Ors.

Case No. **OA 1095 OF 2017**

60 of 2005, the marriage solemnised between the applicant Kanika Chatterjee and the deceased Chandra Nath Chatterjee was dissolved w.e.f. July 5, 2005.

It also appears from record that on January 28, 2007 one Manoshi Chatterjee was married to Chandra Nath Chatterjee and the said marriage was registered under the provisions of Hindu Marriage Act, 1955 on April 28, 2007. The second wife Manoshi Chatterjee is, therefore, entitled to get the amount of death gratuity and the amount of GPF and arrears of salary of Chandra Nath Chatterjee along with other members of the family, if any, as defined in Rule 7 (e) of West Bengal Services (Death-cum-Retirement Benefit) Rules, 1971.

Since the marital tie between the present applicant Kanika Chatterjee and the deceased Chandra Nath Chatterjee was snapped by decree of divorce on July 5, 2005, the present applicant does not come within the ambit of family as defined in Rule 7(e) of the West Bengal Services (Death-cum-Retirement Benefit) Rules, 1971 for the purpose of getting gratuity and other retirement benefits.

In view of our above observation, the present applicant is not entitled to get relief as prayed for. The original application is, thus, **dismissed**.

Let a plain copy of this order be supplied to both parties.

(S.K. DAS)
MEMBER(A)

(R. K. BAG)
MEMBER (J)

Sanjib

ORDER SHEET

Smt. Kanika Chatterjee
.....

Vs.

The State of West Bengal & Ors.
.....

Form No.

Case No. **OA 1095 OF 2017**