

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

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

Case No – OA 1117 OF 2017

Pallabi 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
05 06.03.2019	<p>For the Applicant : Mr. D. Karan, Learned Advocate. Mr. D. Karan, Learned Advocate.</p> <p>For the Respondent : Mr. G.P. Banerjee, Learned Advocate.</p> <p>For the AG (A&E),WB : Mr. B. Mitra, Departmental Representative.</p> <p>Liberty is given to the applicant to amend the prayer of the application in course of this day.</p> <p>The applicant has prayed for direction upon the respondents to grant her family pension for the service rendered by her husband in Kolkata Armed Police in addition to family pension received by her from Army for the service rendered by her deceased husband in the Army before joining in Kolkata Armed Police.</p> <p>It appears from the materials on record that one Sudan Mondal, husband of the applicant retired from service under Ministry of Defence, Government of India on October 31, 2003 and joined in Kolkata Armed Police. The husband of the applicant died on February 15, 2012 while he was working in the establishment of the respondent no. 4, Deputy Commissioner of Police, Kolkata 2nd Battalion, Kolkata Armed Police.</p> <p>The contention of the applicant is that she is entitled to get family pension from the State Government in addition to the family pension received by her for the service rendered by her husband under Ministry of Defence, Government of India. The</p>	

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case of the applicant for grant of family pension from the State Government was forwarded by the respondent no. 4 to the Joint Commissioner of Police (Admn.), Kolkata Police, Lalbazar under memo. No. 1043/HA/2nd Battalion/ Kolkata Armed Police dated November 22, 2013, but the said application has not yet been considered in accordance with law.

Mr. G.P. Banerjee, Learned Counsel representing the state respondents, contends that the applicant is not entitled to get benefit of family pension from the State Government, as the Circular No. 504 dated January 17, 2013 issued by the Office of the Principal Controller of Defence Accounts (Pension) for grant of family pension both from Army and Civil Establishment came into force after the death of the husband of the applicant. Mr. Biswanath Mitra, the Departmental Representative of the respondent AG (A&E), West Bengal has placed on record one letter dated April 25, 2018 issued by the Deputy Accountant General (Pension), Office of Accountant General (A&E), West Bengal and submitted that the AG (A&E), West Bengal is unable to process the case of the applicant as the concerned department has not yet intimated the AG (A&E), West Bengal whether admissibility of dual family pension of the spouse of retired military pensioners due to employment under the State Government laid down under Circular No. 504 dated January 17, 2013 issued by the office of the Principal Controller of Defence Accounts (Pensions) is adopted by the Government of West Bengal.

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Having heard Learned Counsel for the applicant, Learned Counsel for the state respondents and the Departmental Representative of the respondent AG (A&E), West Bengal, we are of the view that the respondent no. 5, Joint Commissioner of Police (Admn.), Kolkata Police should consider the entitlement of the applicant to get family pension from the State Government in addition to family pension enjoyed by her from the Military Department of Government of India by passing a reasoned order within stipulated period of time.

Accordingly, the respondent no. 5, Joint Commissioner of Police (Admn.), Kolkata Police is directed to consider the entitlement of the applicant to get family pension for the service rendered by her husband in the establishment of the respondent no. 4 in accordance with law in terms of letter addressed to the said respondent no. 5 by the respondent no. 4 on November 22, 2013 (Annexure-K to the original application) within a period of 12 (twelve) weeks from the date of communication of the order and take necessary follow up action, if necessary within a period of 8 (eight) weeks thereafter.

With the above direction, the original application is **disposed of.**

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

Sanjib

(S.K. DAS)
MEMBER(A)

(R. K. BAG)
MEMBER (J)

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