# ORDER SHEET WEST BENGAL ADMINISTRATIVE TRIBUNAL

#### Present-

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

## Case No - OA 1152 OF 2016

Smt. Gargi Bhatta  $\underline{v}_s$  The State of West Bengal & Ors.

	T	0.55
Serial No. and	Order of the Tribunal with signature	Office action with date and dated signature
Date of order.	2	of parties when necessary
1		3
	For the Applicant : Mr. K. Chakraborty,	
12	Mrs. S. Mitra,	
25.07.2019	Learned Advocates.	
	For the Respondent : Mr. S. Ghosh,	
	Learned Advocate.	
	For the AG (A&E),WB : Mr. B. Mitra,	
	Departmental Representative.	
	The applicant has prayed for direction upon the	
	respondents for payment of family pension w.e.f. February 16,	
	2014 along with arrears of family pension with interest.	
	One Dr. Manabendra Nath Bhatta died-in-harness on	
	July 24, 1987, while he was working as Medical Officer in	
	Berhampore Sadar Hospital. The wife of Dr. Manabendra Nath	
	Bhatta, Debasri Bhatta was appointed as Lower Division Clerk	
	on compassionate ground in Kalyani Jawharlal Nehru Memorial	
	College and Hospital (in short, J.N.M. Hospital). She died on	
	February 15, 2014 leaving behind her two daughters - Atreyi	
	Bhatta who got married in the year 1991 and the applicant Gargi	
	Bhatta as legal heirs. The contention of the applicant is that she	
	was married to one Swapan Kumar Chakraborty on February 23,	
	2000, but her marriage was dissolved by a Decree of Divorce on	
	February 4, 2002 under section 13B of the Hindu Marriage Act	
	by virtue of order passed in Mat. Suit No. 269 of 2001 by	
	Learned District Judge, Barasat.	

### **ORDER SHEET**

	Smt. Gargi Bhatta		
Form No.	••••		
	Vs.		
	The State of West Bengal & Ors.		

Case No. **OA 1152 OF 2016** 

On April 9, 2014, the applicant submitted application before the Superintendent, Jawharlal Nehru State General Hospital, Kalyani for grant of family pension on the ground that she is the divorced daughter of the deceased employee Debasri Bhatta. The claim of the applicant for grant of family pension was processed by ACMOH, College of Medicine and J.N.M. Hospital, Kalyani, Nadia, but Senior Accounts Officer of the respondent AG, West Bengal was not satisfied with the requisite documents submitted for grant of family pension. By letter dated April 24, 2015, the Senior Accounts Officer of respondent AG, West Bengal had written to the Ex-Officio Superintendent, J.N.M. Hospital, Kalyani to process the case of family pension of the applicant in terms of G.O. No. 830-F (Pen) dated September 20, 2010 issued by the Finance Department, Government of West Bengal. What transpires from various correspondences made between the College of Medicine of J.N.M. Hospital, Kalyani and the Department of Health & Family Welfare, Government of West Bengal is that the case of family pension of the applicant is still pending for consideration.

We have heard Learned Counsel for the applicant, Learned Counsel for the state respondents and the Departmental Representative of the respondent AG, West Bengal.

Since the issue of grant of family pension to the applicant is pending for consideration for about five years, we are of the

## **ORDER SHEET**

Campa Na		Smt. Gargi Bhatta  Vs.  The State of West Bengal & Ors.	
Form No.			
Case No. OA 1152 OF 2016			
	view that the issue of grant of family pension to must be resolved by the Departmental Secretary concurrence of the Finance Department, Govern Bengal without further delay. In view of our about direct the respondent no. 1, Additional Chief S Government of West Bengal, Department of H Welfare to take necessary steps for grant of fair the applicant as divorced daughter of the decease employee in accordance with law within a period weeks from the date of communication of communicate the result to the applicant within	rafter obtaining rnment of West ove findings, we recretary to the realth & Family mily pension to red Government of 16 (sixteen) the order and	
	(four) weeks thereafter.  With the above direction, the original disposed of.  Let a plain copy of this order be supporties.  (S.K. DAS)	application is	
Sanjib			