

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

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

Case No – **OA 1179 OF 2017**

Madhumita Hela 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
02 25.07.2018	<p>For the Applicant : Mr. A.L. Basu, Mrs. P. Goswami, Learned Advocates.</p> <p>For the Respondents : Mr. S. Ghosh, Learned Advocate.</p> <p>The applicant claiming to be the daughter of the deceased Government employee Biswanath Hela has filed this application praying for direction upon the respondents to cancel the PPO No. 141441475, PPO ID – 10463 on the basis of which private respondent no. 10 has been receiving family pension from the Treasury Officer, Arambagh, Hooghly.</p> <p>Mr. Ghosh, Learned Counsel representing the state respondents, has prayed for accommodation for receiving instruction from the department. Having heard Mr. Basu, Learned Counsel for the applicant, we are not inclined to grant any accommodation to the state respondents in this case.</p> <p>On consideration of the materials on record, it appears that the respondent no. 10, Smt. Basanti Sen @ Hela moved this Tribunal by filing OA-1174 of 2013 praying for family pension and other retirement benefits of the deceased Biswanath Hela. The said respondent no. 10 relied on a Legal Heirship Certificate which was acted upon by the Tribunal at the time of passing order on January 2, 2014. By disposing of OA-1174 of 2013 on January 2, 2014, this Tribunal gave direction to the</p>	

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respondent AG (A&E), West Bengal to issue necessary order on receiving sanction order of family pension from the Superintendent of Police, Hooghly. It is relevant to point out that all legal heirs of deceased Biswanath Hela were not impleaded as party in OA No.1174 of 2013. Accordingly, the order passed by the Tribunal in OA-1174 of 2013 was challenged by the present applicant before the Hon'ble High Court by filing WPST No. 228 of 2014 which was disposed of by the Division Bench of the Hon'ble High Court on November 12, 2014 by delivery of judgment. It is relevant to quote last paragraph of the said judgment which is as follows :

“14. For these reasons, we allow the WPST and order as follows. The order of the Tribunal is set aside. It is directed to hear the first respondent's original application afresh. It shall first examine whether all the necessary parties are before it. It shall, however, add the petitioner as a respondent and give the respondents opportunity of filing their respective replies”

The contention of the present applicant is that the applicant is a necessary party as legal heir of deceased Biswanath Hela, but she has not been impleaded as respondent in OA-1174 of 2013 after it is remanded from the Hon'ble High Court and she has not

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been given any opportunity of hearing for filing reply in OA-1174 of 2013. We are still in the dark about the fate of OA-1174 of 2013.

Under the above circumstances, particularly when the necessary parties were not impleaded as respondents in OA-1174 of 2013 and the status of the respondent no. 10 as legally married wife is disputed by the applicant, we are of the view that Treasury Officer of Arambagh, Hooghly should not act on PPO ID – 10463 for releasing family pension to the respondent no. 10 till the final decision of the present original application.

In view of our above findings, operation of PPO No. 141441475, PPO ID – 10463 on the basis of which the respondent no. 10, Smt. Basanti Hela is receiving family pension will remain suspended till disposal of the present original application.

The respondent no. 9, Treasury Officer, Arambagh, Hooghly is directed not to release family pension in favour of the respondent no. 10, Smt. Basanti Hela on the basis of PPO No. 141441475, PPO ID – 10463 till final decision of this present original application.

The applicant is directed to implead all the legal heirs of deceased Biswanath Hela as respondents by way of amendment of Cause Title of the original application within a period of 2 (two) weeks from this date. The applicant is further directed to serve notice,

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Office	<p>copy of this order and copy of original application along with annexures on respondent no. 10 and other legal heirs impleaded as added respondents by Speed Post within a period of 4 (four) weeks and to file fresh affidavit of service in this regard on the next date of hearing.</p> <p>The state respondents are directed to file reply within a period of 4 (four) weeks and other respondents are directed to file reply within a period of 4 (four) weeks from the date of receiving notice and rejoinder, if any, may be filed by the applicant within a period of 2 (two) weeks thereafter.</p> <p>The applicant is directed to serve copy of this order on the respondent no. 9 by Speed Post within a period of 2 (two) weeks from this date.</p> <p style="text-align: center;">The Learned Registrar is directed to submit a report about the fate of OA-1174 of 2013 on the next date of hearing.</p> <p>List the matter under the heading “Reply/Rejoinder” on 17.12.2018.</p> <p>Let a plain copy of this order be supplied to both parties.</p> <p style="text-align: center;">(S.K. DAS) MEMBER(A)</p> <p style="text-align: center;">(R. K. BAG) MEMBER (J)</p>	
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Sanjib

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