

**ORDER SHEET**

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Present-**

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

**Case No – OA 205 OF 2016**

Rupa Kumar 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
12 05.09.2018	<p>For the Applicant : Mr. K. Ghosal Learned Advocate.</p> <p>For the Respondents : None.</p> <p>For the AG (A&amp;E),WB : Mr. B. Mitra, Departmental Representative.</p> <p>The applicant has prayed for direction upon the respondents to grant family pension in favour of the applicant.</p> <p>One Ashutosh Kumar, died on November 14, 2007 while he was working as Road Majdoor in the establishment of the respondent no. 3. The applicant Rupa Kumar claims to be the wife of the deceased Ashutosh Kumar. The contention of the applicant is that she has received the amount of GPF of her husband along with her son and daughter on the basis of Succession Certificate issued by the competent Court of law. The further contention of the applicant is that family pension has already been granted in favour of the son of the applicant by depriving the applicant of her legitimate claim of family pension.</p> <p>Learned Counsel representing the applicant contends that the name of the first wife of the deceased employee is still on record and as such family pension was granted in favour of the son of the applicant, though the first wife died long back. Nothing is on record to indicate why family pension was not granted in favour of the applicant in spite of the claim of the</p>	

# ORDER SHEET

Rupa Kumar

Form No.

.....

**Vs.**

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

.....

Case No. OA 205 OF 2016

applicant that she was married to the deceased employee after death of the first wife of the said deceased employee.

None appears on behalf of the state respondents on call. We have heard Mr. Mitra, the Departmental Representative of respondent AG (A&E), West Bengal.

Under the above circumstances, we direct the respondent no. 3, the Executive Engineer, Public Works Department, Purulia Division to consider the entitlement of the applicant to get family pension after giving the applicant an opportunity of hearing within a period of 16 (sixteen) weeks from the date of communication of the order and to take necessary follow up action, if any, within a period of 4 (four) weeks thereafter.

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

The applicant is directed to serve copy of this order along with copy of the original application and its annexures on the respondent no. 3 by Speed Post within a period of 2 (two) weeks from this date, in default, this order stands cancelled.

Let an urgent plain copy of this order be supplied to the applicant.

( S.K. DAS )  
MEMBER(A)

( R. K. BAG )  
MEMBER (J)

Sanjib