

**ORDER SHEET**

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Present-**

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

Case No – **OA 31 OF 2019**

Rita 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
03 19.02.2019	<p>For the Applicant : Ms. M. Bhowal, Learned Advocate.</p> <p>For the Respondents : Mr. S.N. Ray, Learned Advocate.</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 her family pension as admissible under the provisions of West Bengal Services (Death-cum-Retirement Benefit) Rules, 1971 (in short, the DCRB Rules, 1971).</p> <p>It appears from the materials on record that one Dilip Kumar Chatterjee, husband of the applicant retired from the establishment of the respondent no. 2 on January 31, 1997. Admittedly, Dilip Kumar Chatterjee used to get pension under the provisions of the DCRB Rules, 1971 till his death on September 17, 2014. The contention made on behalf of the state respondents is that Dilip Kumar Chatterjee did not disclose the name of the applicant as his legally married wife for the purpose of grant of family pension and as such the state respondents could not process the case of the applicant for grant of family pension. Learned Counsel representing the applicant submits that the husband of the applicant unsuccessfully made an attempt to divorce the applicant, but he</p>	

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was not successful even after contesting the matrimonial proceeding upto the Apex Court, and as such the name of the applicant was not disclosed by her husband in the nomination form as legally married wife.

We find from the materials on record that Dilip Kumar Chatterjee, husband of the applicant instituted Matrimonial Suit no. 2 of 1985 against the applicant, Rita Chatterjee for divorce before the Court of Learned Additional District Judge, 7<sup>th</sup> Court, Alipore. The husband of the applicant lost in the matrimonial suit, but he challenged the judgment and decree passed in the said matrimonial suit on August 14, 1987 by preferring First Appeal (FA No. 8 of 1990) before the Hon'ble High Court. On August 26, 2003, the Division Bench of the Hon'ble High Court dismissed the said appeal. The SLP preferred against the judgment and decree passed by the Division Bench of the Hon'ble High Court on August 26, 2003 in FA No. 8 of 1990 was also dismissed on July 14, 2004. The natural corollary of our above observation is that the marital tie between Dilip Kumar Chatterjee and the applicant could not be snapped by decree of divorce. Since the deceased husband of the applicant was getting pension in terms of the provisions of the DCRB Rules, 1971, the applicant being the legally married wife of the deceased Dilip Kumar Chatterjee is entitled to get family pension in terms of the provisions of Rule 101 of the DCRB Rules, 1971.

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In view of our above findings, we direct the respondent no. 2, Commissioner of Commercial Taxes, Government of West Bengal to take necessary steps for grant of family pension in favour of the applicant within a period of 12 (twelve) weeks and take necessary follow up action for grant of arrears of family pension, if any, within a period of 8 (eight) weeks thereafter.

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

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

( S.K. DAS )  
MEMBER(A)

( R. K. BAG )  
MEMBER (J)

Sanjib