

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

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

Case No – OA 36 OF 2017

Pretikana Chakrabortty 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
07 04.04.2019	<p>For the Applicant : Mr. B. Nandy, Learned Advocate.</p> <p>For the Respondents : Mr. M.N. Roy, Learned Advocate.</p> <p>For the AG (A&E),WB : Mr. B. Mitra, Departmental Representative.</p> <p>The applicant has prayed for direction upon the respondents for grant of family pension and other retirement benefits in favour of the applicant.</p> <p>It appears from the materials on record that one Sushil Chakraborty retired from service from the establishment of the respondent no. 3, Executive Engineer, Bidhannagar Municipal Services Division on January 31, 2013 and died on October 24, 2015. The contention of the applicant is that Sushil Chakraborty died leaving behind the applicant Pretikana Chakrabortty as wife and one son aged about 25 years as legal heirs. The further contention of the applicant is that Sushil Chakraborty used to get pension after retirement w.e.f. January 31, 2013 vide PPO No. Pen/III/2241214065/2. It is also contended on behalf of the applicant that her marital relationship with the deceased Sushil Chakraborty remains intact till the date of death of her husband. The Matrimonial Suit No. 121/84 instituted by the deceased Sushil Chakraborty against his wife Pretikana Chakrabortty for decree of</p>	

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Pretikana Chakrabortty

Form No.

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Case No. **OA 36 OF 2017**

divorce before the Court of Learned Additional District Judge, 4th Court, Midnapore was dismissed on December 5, 1996, though a decree for judicial separation was granted by the competent Court of Law.

Having heard all the parties, we are of the view that the applicant being judicially separated widow is entitled to get family pension in terms of the provisions of Rule 104B of West Bengal Services (Death-cum-Retirement Benefit) Rules, 1971, particularly when the age of the son of the applicant is more than 25 years.

Under the above circumstances, the respondent no. 3, the Executive Engineer, Bidhannagar Municipal Services Division is directed to take necessary steps for granting family pension to the applicant within a period of 12 (twelve) weeks from the date of communication of the order.

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

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

Sanjib

(S.K. DAS)
MEMBER(A)

(R. K. BAG)
MEMBER (J)