

**ORDER SHEET**  
**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Present-**

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

**Case No – OA 365 OF 2019**

Smt. Rama Neogi & Anr. 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 11.06.2019	<p>For the Applicants : Mr. M.N. Roy, Learned Advocate.</p> <p>For the Respondent Nos.2 &amp; 5 : Mr. R.A. Chowdhury, Learned Advocate.</p> <p>For the Respondent No. 7 : Mrs. S. Agarwal, Learned Advocate.</p> <p>For the AG (A&amp;E),WB : Mr. B. Mitra, Departmental Representative.</p> <p>Affidavit of filed on behalf of the applicants today is kept on record.</p> <p>The fresh Vakalatnama filed on behalf of the applicants and the fresh Vakalatnama filed on behalf of the respondent no. 7 are kept on record.</p> <p>The applicants have prayed for direction upon the respondents for disbursement of the amount of death benefits and the amount of GPF of their deceased mother.</p> <p>One Reba Roy got appointment in Group-D post on compassionate ground in the establishment of the respondent no. 5. She died on September 24, 2018 while she was in service, leaving behind two applicants</p>	

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being married daughters and the respondent no. 7 being the son as her legal heirs. While Reba Roy was in service, she nominated the respondent no. 7 for receiving the amount of GPF in case of her death and she nominated the respondent no. 7 for receiving 50% share of the amount of group insurance and each of the applicants for receiving 25% share of the amount of group insurance and she nominated the respondent no. 7 for receiving the entire amount of death gratuity in case of her death. The applicants being the married daughters of the deceased Reba Roy have claimed their share of death benefit and the amount of GPF of the deceased Reba Roy.

We have heard Learned Counsel representing the applicants, Learned Counsel representing the state respondents, Learned Counsel representing the respondent no.7 and the Departmental Representative of the respondent AG (A&E), West Bengal.

The issue for determination of this Tribunal is whether the respondent no. 7 is entitled to get the amount of death benefit and the amount of GPF in terms of the nomination made by the deceased employee Reba Roy or both the applicants and the respondent no. 7 are entitled to get the share of death benefit of Reba Roy and the share of the amount of GPF of the deceased employee Reba Roy in terms of the provisions of the rules by which the deceased employee

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<p>was governed. In the instant case, we are informed that the amount of GPF, death gratuity, group insurance and leave encashment of the deceased employee have not been disbursed by the authority concerned. On perusal of the provisions of Rule 7 (e) of West Bengal Services (Death-cum-Retirement Benefit) Rules, 1971, we find that the respondent no. 7 is entitled to get the entire amount of death gratuity of her deceased mother Reba Roy. We are also of the view that the respondent no. 7 is entitled to get 50% of the amount of group insurance in terms of the nomination made by the deceased employee Reba Roy. However, each of the applicants is also entitled to get 25% of the share of the amount of group insurance in terms of the nomination made by their mother deceased Reba Roy. It is clear from the letter dated November 30, 2018 addressed to the Director of Agriculture by the Deputy Director of Agriculture (Admn.), Hooghly (Annexure-F to the original application) that the deceased employee Reba Roy nominated her son, the respondent no. 7 to receive the entire amount of GPF. We would like to clarify that the nominee is entitled to receive the entire amount of money from the authority concerned in terms of the nomination of the deceased employee, but the nominee is duty bound under the law to distribute the said amount of money among all the legal heirs of the deceased employee in terms of the provisions of the law of succession by which the parties are governed. Accordingly, the respondent no. 7 is duty bound to</p>	
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distribute the amount of GPF and the amount of leave encashment among all the legal heirs of the deceased employee. Since the respondent no. 7 will have to ultimately distribute the amount of GPF and the amount of leave encashment among the legal heirs of the deceased Reba Roy, we would like to direct the Pension Sanctioning Authority to disburse the amount of GPF and the amount of leave encashment in favour of the two applicants and the respondent no. 7 being legal heirs of the deceased employee in equal one third share.

In view of our above findings, the respondent no. 3, Deputy Director of Agriculture (Admn.), Hooghly is directed to disburse the amount of GPF and the amount of leave encashment of the deceased Reba Roy in favour of both the applicants and the respondent no. 7 in equal one third share. The respondent no. 3 is further directed to disburse the entire amount of death gratuity of the deceased Reba Roy in favour of the respondent no. 7 only. The respondent no. 3 is also directed to disburse the amount of group insurance in favour of the respondent no. 7 to the extent of 50% and in favour of each of the applicants to the extent of 25%. The respondent no. 3 must disburse the above death benefits and the amount of GPF of the deceased Reba Roy in the manner indicated above within a period of **8 (eight) weeks** from the date of communication of this order.

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Sanjib	<p>With the above direction, the original application stands <b>disposed of.</b></p> <p>Let a plain copy of this order be supplied to each of the contesting parties.</p> <p>( S.K. DAS ) MEMBER(A)</p> <p>( R. K. BAG ) MEMBER (J)</p>	
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