

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

**Present-**

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

**Case No – OA 388 OF 2015**

**Smt. Shefali Mukherjee 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
13 06.08.2018	<p>For the Applicant : Mr. S. K. Mondal, Learned Advocate.</p> <p>For the Respondents : Mrs. S. Agarwal, Learned Advocate.</p> <p>For the AG (A&amp;E),WB : Mr. B. Mitra, Departmental Representative.</p> <p>The applicant Shefali Mukherjee has prayed for direction upon the respondents to grant her family pension as wife of deceased Tapan Kumar Mukherjee.</p> <p>The applicant Shefali Mukherjee claims to be the wife of one Tapan Kumar Mukherjee, the deceased Constable of Police. The contention of the applicant is that she was married to Tapan Kumar Mukherjee on May 12, 1988 and the said marriage was registered on December 12, 1988 under the provisions of the Hindu Marriage Act, 1955. The further contention of the applicant is that she got married with Tapan Kumar Mukherjee after the death of the first wife of Tapan Kumar Mukherjee. It is also contended on behalf of the applicant that a female child by name Rupa Mukherjee was born from the wedlock between the applicant and the deceased Tapan Kumar Mukherjee on September 12, 1989. The grievance of the applicant is that the family pension has not been granted to the applicant after the death of Tapan Kumar Mukherjee on February 1, 2014.</p>	

## ORDER SHEET

Smt. Shefali Mukherjee

Form No. ....

**Vs.**

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

Case No. OA 388 OF 2015

Learned Counsel for the applicant has prayed for accommodation. This case was instituted in the year 2015 and reply and rejoinder have already been exchanged between the parties and the same are kept on record. Accordingly, we do not find any cogent reason to grant adjournment of hearing. We are inclined to dispose of the instant application on merit.

By referring to the reply submitted on behalf of the state respondents, Mrs. Agarwal, Learned Counsel for the state respondents, contends that the deceased employee Tapan Kumar Mukherjee got all the retirement benefits after his retirement. She further submits that the deceased employee Tapan Kumar Mukherjee disclosed the name of one Aruna Mukherjee as his wife in whose favour family pension has already been granted. Mr. Mitra, the Departmental Representative of respondent AG (A&E), West Bengal has produced the original Pension File to establish that family pension has already been issued in favour of Aruna Mukherjee who happens to be the wife of the deceased employee. It is relevant to point out that the name of Aruna Mukherjee appeared as the wife of the deceased Tapan Kumar Mukherjee in the original PPO issued for grant of pension.

Under the above circumstances, we are of the view that the applicant contracted marriage with deceased Tapan Kumar Mukherjee on May 12, 1988 during the existence of marital

**ORDER SHEET**

Smt. Shefali Mukherjee

Form No. ....

**Vs.**

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

Case No. **OA 388 OF 2015**

relationship between the said Tapan Kumar Mukherjee and his wife Aruna Mukherjee. Accordingly, the marriage between the present applicant Shefali Mukherjee and the deceased Tapan Kumar Mukherjee is void as per provisions of the Hindu Marriage Act, 1955 and thereby the applicant Shefali Mukherjee is not entitled to get family pension as prayed for.

As a result, the original application is **dismissed**.

The original Pension File is returned to the Departmental Representative of respondent AG (A&E), West Bengal.

( S.K. DAS )  
MEMBER(A)

( R. K. BAG )  
MEMBER (J)

Sanjib