

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

**Present-**

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

**Case No – OA 506 OF 2018**

Mir Kabil 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
01 21.08.2018	<p>For the Applicant : Mr. A. Chakraborty, Learned Advocate.</p> <p>For the Respondents : Mr. B.K. Roy, Learned Advocate.</p> <p>For Pvt. Respondent No. 5 : Mr. D.K. Saila, 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 not to disburse the service benefit of deceased son of the applicant in favour of private respondent no. 5 by depriving the applicant of his legitimate share in the said service benefit.</p> <p>One Mir Dalim, Constable of West Bengal Police died on February 24, 2018 while he was on duty. The respondent no. 5 is the legally married wife of Mir Dalim. The applicant happens to be the father of the deceased Constable Mir Dalim. The statement of facts produced on behalf of the state respondents indicate that the deceased employee nominated respondent no. 5 for receiving Death Gratuity, amount of Group Insurance and the amount of GPF of the said employee. The respondent no. 5 being the legally married wife of the deceased employee is also</p>	

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entitled to get family pension as per provisions of 7 (e) (2) read with Rule 104 and 105 of West Bengal Services (Death-cum-Retirement Benefit) Rules, 1971. It also appears from the said statement of facts that the state respondents have already disbursed Family Pension, Death Gratuity, amount deposited in General Provident Fund and Leave Encashment in favour of the respondent no. 5 who was nominated by the deceased employee for receiving the said amount of money.

Under the above circumstances, this Tribunal cannot give any direction upon the state respondents to disburse the share of the applicant in the service benefit of the deceased son of the applicant namely Death Gratuity, Group Insurance, amount of GPF and amount of Leave Encashment. The applicant is at liberty to realise his share of service benefit of his deceased son mentioned above from the private respondent no. 5 by taking recourse to appropriate legal remedy.

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

( S.K. DAS )  
MEMBER(A)

( R. K. BAG )  
MEMBER (J)

Sanjib