

ORDER SHEET
WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

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

Case No – **OA 553 OF 2017**

Gour Sundar De 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
04 <hr/> 22.03.2018	<p>For the Applicant : Mr. S. Datta, Learned Advocate.</p> <p>For the Respondents : Mr. S. Ghosh, 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 to release family pension in favour of his son.</p> <p>It appears from the materials on record that one Dipali Das (Dey), a Health Assistant (Female) of Nanoor Block Primary Health Centre in the district of Birbhum died on June 13, 2004 while she was in service. The present applicant being the husband of the deceased employee got family pension. The contention of the applicant is that he contracted marriage with one Srabani Dey on January 17, 2012 and thereby lost his entitlement to get family pension w.e.f. January 17, 2012. The applicant has minor son Arnab Dey from his first wife. Arnab Dey was born on June 1, 2000 and he will attain majority on June 1, 2018. Since the applicant has contracted second marriage after the death of his first wife, the minor son of the applicant Arnab Dey is</p>	

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entitled to get family pension as per provisions of Rules 104 and 105 of the West Bengal Services (Death-cum-Retirement Benefits) Rules, 1971 (hereinafter referred to as DCRB Rules, 1971).

The minor son of the applicant Arnab Dey is entitled to get family pension w.e.f. January 18, 2012. Since Arnab Dey is minor, the amount of family pension to which Arnab Dey is entitled will be disbursed in favour of the natural guardian of Arnab Dey. The applicant being the father of Arnab Dey is the natural guardian under the provisions of Hindu Law. The minor son Arnab Dey is entitled to get family pension from January 18, 2012 till the date of attaining 25 years of age as laid down in Memorandum No. 1097-F (Pen) dated June 18, 1991 issued by the Joint Secretary to the Government of West Bengal, Finance Department, Audit Branch, by which Rule 104 of DCRB Rules, 1971 has been modified. It is relevant to point out that minor son Arnab Dey will get family pension directly from the authority concerned on attaining majority on June 1, 2018.

We are informed that the respondent no. 3, Block Medical Officer of Health, Nanoor Block Primary Health

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Centre is the pension sanctioning authority. Accordingly, the respondent no. 3 is directed to process family pension in favour of minor son of the applicant as observed by us hereinabove within a period of 12 (twelve) weeks from the date of communication of the order.

With the above direction, the original application is disposed of.

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

(S.K. DAS)
MEMBER(A)

(R. K. BAG)
MEMBER (J)

Sanjib