

ORDER SHEET**WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-**

The Hon'ble Justice Ranjit Kumar Bag
& The Hon'ble Subesh Kumar Das

Case No – OA 682 OF 2017

DIBYENDU KUMAR PURKAIT 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
<p>2</p> <hr/> <p>04.06.2018</p>	<p>For the Applicant : Miss Lily Shom Learned Advocate</p> <p>For the State Respondent: Mr. S.N. Ray Learned Advocate</p> <p>For the A.G., West Bengal : Mr. Biswanath Mitra Departmental Representative</p> <p>The applicant has prayed for quashing of the letter dated February 29, 2016 issued by the Senior Accounts Officer, A.G., West Bengal in favour of the Superintendent of Police, Howrah (Rural) District whereby the A.G., West Bengal has communicated his inability to accept the nomination of the second wife of the applicant for release of pensionary benefits.</p> <p>The applicant was a Naik in West Bengal Police. The applicant submitted nomination of his second wife Krishna Purkait for receiving pensionary benefits which was duly forwarded by the Superintendent of Police, Howrah (Rural) District to A.G., West Bengal. By the impugned letter dated February 29, 2016 the A.G., West Bengal found from verification of service book of the applicant and the pension papers submitted by the applicant that the applicant contracted second marriage</p>	

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	<p>with Krishna Purkait during the life time of his first wife and as such, the marriage of the applicant with Krishna Purkait was void under the provisions of the Hindu Marriage Act. According to A.G., West Bengal, the second wife of the applicant is not entitled to get any benefit as the legally married wife of the applicant.</p> <p>Having heard Learned Counsel representing both the parties and the authorised representative of A.G., West Bengal, we find that there is no dispute with regard to the death of the first wife of the applicant on November 7, 2009. It appears from the copy of the marriage certificate produced by the applicant (Annexure "E" to the original application) that the marriage between the applicant and his second wife, Krishna Purkait took place on February 5, 2003, though the said marriage was registered under the provisions of Hindu Marriage Act on July 28, 2015. The effect of marriage of the applicant with his second wife Krishna Purkait must be given from February 5, 2003 when the actual ceremony of marriage was performed, irrespective of whether the registration was done in the year 2015. Since the applicant contracted marriage with Krishna Purkait on February 5, 2003, when the first wife of the applicant was alive, the said marriage of the</p>	

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SCN.	<p>applicant with his second wife is void as per provisions of the Hindu Marriage Act and the second wife cannot be treated as legally married wife of the applicant. In our view, the A.G., West Bengal has rightly turned down prayer of the applicant to nominate his second wife, Krishna Purkait for receiving pensionary benefits.</p> <p>We do not find any merit in the present application and as such, the application is dismissed.</p> <p>Let a plain copy of the order be supplied to all the parties.</p> <p>(S.K. Das) MEMBER (A)</p> <p>(R.K. Bag) MEMBER (J)</p>	