

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

**Present-**

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

**Case No – OA 789 OF 2013**

Smt. Manju Roy 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
17 11.09.2018	<p>For the Applicant : Mr. S. K. Mondal, Learned Advocate.</p> <p>For the Respondents : Mr. R.A. Chowdhury, Learned Advocate.</p> <p>The applicant has prayed for direction upon the respondents for grant of family pension.</p> <p>One Mohini Mohan Roy, the husband of the applicant was engaged as Work Charged Khalashi on temporary basis on March 31, 1969 in the establishment of the respondent no. 5, Executive Engineer, Kangsabati Canals, Directorate of Irrigation and Waterways, Division No. VI, Jhargram. The applicant has failed to produce the documents to establish when her husband Mohini Mohan Roy was regularised in service or when her husband retired from service. It appears from the reply given by the state respondents that the husband of the applicant discharged his duty as Work Charged Khalashi from March 31, 1969 to March 14, 1974 and thereafter he was absent from duty for almost 8 (eight) years. It also appears from the reply of the state respondents that the husband of the applicant appeared in the office of the respondent no. 5 in the month of December, 1982 and prayed for reinstatement in service. There is nothing on record to indicate whether the husband of the applicant was reinstated in service and permitted to retire in due course. However, the husband of the applicant died on June 16, 1995 at the age of 43 as reflected</p>	

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Smt. Manju Roy

Form No. ....

**Vs.**

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

Case No. OA 789 OF 2013

from the copy of Death Certificate produced on behalf of the applicant.

With the above factual matrix, Learned Counsel for the applicant submits that the applicant is entitled to get family pension as per provision of Rule 101 of West Bengal Services (Death-cum-Retirement Benefit) Rules, 1971. We have also heard Learned Counsel representing the state respondents.

In view of the facts disclosed above, the entitlement of the applicant to get family pension need to be considered by the respondent no. 5 in whose establishment the husband of the applicant was engaged as Work Charged Khalashi. Accordingly, the respondent no. 5, the Executive Engineer, Kangsabati Canals, Directorate of Irrigation and Waterways, Division No. VI, Jhargram, is directed to consider the entitlement of the applicant to get family pension as per provision of Rule 101 of West Bengal Services (Death-cum-Retirement Benefit) Rules, 1971 by passing a reasoned order within a period of 12 (twelve) weeks from the date of communication of this order and take necessary follow up action within a period of 2 (two) weeks thereafter.

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

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

Sanjib

( S.K. DAS )  
MEMBER(A)

( R. K. BAG )  
MEMBER (J)

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