

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

**Present-**

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

**Case No – OA 840 OF 2014**

Biva Rani Saha 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
16 10.01.2019	<p>For the Applicant : Mr. G.P. Banerjee, Mr. S. Roy Chowdhury, Learned Advocates.</p> <p>For the Respondents : None.</p> <p>For the Respondent No. 5 : Mr. A.K. Das Sinha, Learned Advocate.</p> <p>The applicant has prayed for direction upon the respondents for grant of family pension and other retirement benefits of her husband Arun Kumar Saha.</p> <p>The contention of the applicant is that she was married to one Arun Kumar Saha on December 10, 1980 and the said marriage was registered on May 19, 2003 under the provisions of the Hindu Marriage Act, 1954. The further contention of the applicant is that the respondent no. 5, Shyamali Saha also claimed to be the wife of Arun Kumar Saha. Admittedly, Arun Kumar Saha died on January 9, 2013 whiel he was working as Supervisory Head Clerk in the office of the respondent no. 2. It appears from the materials on record that the respondent no. 5 started one criminal proceeding under section 125 of the code of criminal procedure against the deceased husband of the applicant and the said Miscellaneous Case No. 48 of 1989 was disposed of on April 25, 1996 by granting maintenance of</p>	

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Rs.600/- in favour of the respondent no. 5 and her minor son. However, the said order of maintenance was subsequently set aside ex parte on April 19, 2008 in Miscellaneous Case No. 110 of 2002 by the Learned Judicial Magistrate, 1<sup>st</sup> Court, Barasat. The criminal proceeding initiated by the respondent no. 5 against the applicant and her deceased husband and others under section 494/109 of IPC (C. Case no. 905 of 1989) was disposed of on June 5, 2002. The charge of bigamy was not established against the deceased husband of the applicant and others and they were acquitted of the charge under section 494/109 of IPC in Miscellaneous Case No. 905 of 1989. The above order of acquittal of the deceased husband of the applicant and others in the criminal case was subsequently affirmed by criminal appeal no. 04 of 2003, which was disposed of on May 28, 2007.

With the above factual matrix, Mr. G.P. Banerjee, Learned Counsel for the applicant, submits that the applicant is entitled to get family pension and other retirement benefits of her deceased husband Arun Kumar Saha. On the other hand, Mr. A.K. Das Sinha, Learned Counsel representing the respondent no. 5, submits that the respondent no. 5 is also the legally married wife of the deceased Arun Kumar Saha and the name of the said respondent appears as wife of Late Arun Kumar Saha in the Voter Identity Card and Ration Card issued by the authority concerned.

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In view of the above submission from the Bar, we would like to hold that the respondent no. 2 should consider whether the applicant and the respondent no. 5 are entitled to get retirement benefits of the deceased Arun Kumar Saha. The respondent no. 2 is at liberty to conduct an enquiry for ascertaining who are the legal heirs of Arun Kumar Saha and who is the legally married wife for the purpose of grant of family pension of the deceased Arun Kumar Saha after giving an opportunity of hearing to both the applicant and the respondent no. 5.

In view of our above observation, we direct the respondent no. 2, District Magistrate and Collector, North 24-Parganas to consider the entitlement of the applicant to get family pension and other retirement benefits of the deceased Arun Kumar Saha after giving both the applicant Biva Rani Saha and the respondent no. 5, Shyamali Saha an opportunity of hearing within a period of 12 (twelve) weeks from the date of communication of the order and take necessary follow up action within a period of 4 (four) weeks thereafter.

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

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

( S.K. DAS )  
MEMBER(A)

( R. K. BAG )  
MEMBER (J)

Sanjib

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