

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

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

Case No –OA 919 OF 2017

SALMA BEGUM & ANR. 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>4</p> <hr/> <p>26.06.2018</p>	<p>For the Applicant : Mr. Amit Ranjan Roy Learned Advocate</p> <p>For the State Respondent: Mr. A.K. Das Sinha Learned Advocate</p> <p>For Respondent No. 6 : Mr. Jay Chakraborty Learned Advocate</p> <p>For the A.G., West Bengal : Mr. B. Mitra Departmental Representative</p> <p>One Md. Azad Ali retired as Assistant Sub-Inspector of Police while he was working in the establishment of Joint Commissioner of Police (Intelligence), Special Branch, Kolkata. Md. Azad Ali died on March 14, 2015 leaving behind his legal heirs. Admittedly the respondent No. 6 is already getting family pension on the basis of recommendation of the pension sanctioning authority. The applicant No. 1 claims to be the second wife of the deceased Md. Azad Ali. The applicant No. 2 was born from the wedlock between the applicant No. 1 and the deceased Azad Ali as contended on behalf of the applicant. The grievance of the applicant No. 1 is that her claim for family pension has not yet been decided by the pension sanctioning authority on the basis</p>	

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	<p>of representation submitted by the applicant No. 1 in this regard on July 17, 2017 (Annexure “A-12” to the original application).</p> <p>Having heard Learned Counsel for the applicant, Learned Counsel for the State respondent, Learned Counsel for the private respondent No. 6 and the authorised representative of respondent, A.G., West Bengal, we are of the view that the claim of the applicant should be considered and decided by the pension sanctioning authority in accordance with the provisions of law. Note to Rule 104 of West Bengal Services (Death-cum-Retirement Benefit) Rules 1971 provides that when a Government servant is survived by more than one widow, family pension shall be paid to them in equal shares. This provision further lays down that on death of a widow her share of the pension shall become payable to her eligible minor children. However, if at the time of her death a widow leaves no eligible minor child, the payment of her share of the pension shall cease. Accordingly, we direct the respondent No. 3, Joint Commissioner of Police (Intelligence), Special Branch, Kolkata to decide the entitlement of the applicant No. 1 to get family pension along with respondent No. 6 in accordance with the provisions of Note to Rule 104 of West Bengal Services (Death-cum-Retirement Benefit) Rules 1971 after giving the applicant No. 1 and the respondent No. 6 opportunity</p>	

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SCN.	<p>of hearing within a period of twelve weeks from the date of communication of the order and the result of the same must be communicated to both the applicant No. 1 and the respondent No. 6 within a period of four weeks thereafter. The applicant is directed to serve copy of this order along with copy of the original application and all its annexures on the respondent No. 3 within a period of two weeks from this date. With the above direction the original application stands disposed of.</p> <p style="text-align: center;">Let an urgent plain copy of the order be supplied to applicant No. 1 and respondent No. 6.</p> <p>(S.K. Das) MEMBER (A)</p> <p style="text-align: right;">(R.K. Bag) MEMBER (J)</p>	