

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Mrs. Urmita Datta (Sen), Member(J)

Case No. – CCP-29 of 2022 (OA-621 of 2021)

Mira Dutta VERSUS – The State of West Bengal & Ors.

Serial No. and Date of order	For the Applicant	:	None.
<u>04</u> 26.08.2022	For the State Respondents	:	Mr. G.P. Banerjee, Mr. B.P. Roy, Learned Advocates.

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 118-WBAT/1E-08/2003 (Pt.-II) dated 11th February, 2022 issued in exercise of the powers conferred under Section 6 (5) of the Administrative Tribunals Act, 1985.

Today, the counsel for the contemnor has filed one Memo No. 1087/RO(Pen) dated 05.08.2022 issued by the Superintendent of Police, Barasat Police District to Smt. Mira Dutta wherein it has been communicated that the family pension to the applicant has already been granted. However, in view of DCRB Rule, the gratuity or death-cum-retirement benefits cannot be awarded to Mrs. Dutta until the conclusion of (Title Suit No. 639/2015). Therefore, counsel for the contemnor has submitted that they have complied with the order.

I have heard the counsel for the contemnor and gone through the documents. It is noted that vide order dated 03.03.2022 following direction was made :-

“Now as per order dated 03.03.2022 passed by the Hon'ble Administrative Tribunal, West Bengal, the family pension has already been released in favour of Mrs. Dutta and the same is received by Mrs. Dutta from this Office. Other benefits not yet been released till date.

On 24.07.2015, Sri Samaresh Dutta, son of 2nd wife of Dipak Kr. Dutta filed a Title Suit vide No. 639/2015 before the Hon'ble 1st Court of Ld. Civil Judge (Junior

ORDER SHEET

Form No.

Mira Dutta

Vs.

Case No. **CCP-29 of 2022 (OA-621 of 2021)**

The State of West Bengal & Ors.

Division) at Barasat which is under subjudice.

According to DCRB Rule-10(2), GO No. 691-F(Pen) dt. 19.03.1999 and GO no. 547-F (Pen) dated 12.04.1993, the gratuity or death-cum-retirement benefits cannot be awarded to you until the conclusion of pending judicial proceeding (Title Suit No. 639/2015).”

After going through the aforementioned Memo dated 05.08.2022 I am satisfied that substantial compliance has been made. Accordingly, CCPA is dropped. Notices are discharged. Let the copy of the order dated 05.08.2022 be kept with the record.

URMITA DATTA (SEN)
MEMBER (J)

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