

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson & Member (A)

Case No. – CCP 36 of 2022 [OA 744 of 2021]

Purnima Majumdar -- VERSUS – Shri Hirak Mondal, the SDO, Kalyani, Nadia.

Serial No. and Date of order	For the Applicant	: Mrs. S. Das, Ld. Advocate.
	For the Contemnor/OP	: Mr. S. Ghosh, Ld. Advocate.
<u>12</u> 20.06.2024	For the Pr.AG (A&E), WB	: Mr. B. Mitra, Ld. Depttl. Rep.

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 638-WBAT/2J-15/2016 (Pt.-II) dated 23rd November, 2022 issued in exercise of the powers conferred under Section 5(6) of the Administrative Tribunals Act, 1985.

In terms of a direction of this Tribunal in OA 744 of 2021 dated 20.12.2021, the alleged Contemnor/OP No. 2, the Sub-Divisional Officer, Kalyani, Nadia was required to pass a reasoned order in the matter relating to sanction of family pension to the applicant, Purnima Majumdar being the unmarried daughter of the deceased employee, Gouranga Chanda Majumdar. Since no such reasoned order was passed, this contempt application was filed. During the submissions of the learned counsels for all the sides, it became known that the original Service Book of the deceased employee was not available and despite searches made, it could not be found by the office of the Sub-Divisional Officer, Kalyani, Nadia. It has been observed that the Sub-Divisional Officer, Kalyani, Nadia as the Pension Sanctioning Authority had earlier on 13.07.2010 and 10.04.2014, had submitted such a proposal to the Principal Accountant General (A&E), West Bengal. The minimum family pension of ₹3,300/- was proposed in the name of Purnima Majumdar, the unmarried daughter of the deceased employee. The proposal contained all the relevant documents as required for sanctioning of a family pension, except the Service Book.

Mr. Mitra, Ld. Departmental Representative of the Principal Accountant General (A&E), West Bengal during hearing of this matter had pointed out that, since the beneficiary is the unmarried daughter

Form No.

Vs.

Case No. CCP 36 of 2022 [OA 744 of 2021]

Shri Hirak Mondal, the SDO, Kalyani, Nadia.

had her mother had pre-deceased her father, therefore, such proposal for family pension has to obtain the approval of the Finance Department in terms of memo no. 830-F(Pen) dated 20.09.2010. It was also enlightened by Mr. Mitra that in case where the original or the reconstructed Service Book is not available, the Head of Office/Pension Sanctioning Authority is required to certify that *“Service Book of the concerned Government employee cannot be traced out in spite of thorough search and it is certified that the case will not be submitted again in future”*.

Mrs. Das, learned counsel for the applicant has submitted that the applicant is a cancer patient and is in need of financial support. Submission is a direction may be given to the respondent authorities to expedite sanction and disburse her pension at the earliest.

Mr. Ghosh, learned counsel for the alleged Contemnor/OP submits that such a delay has occurred due to the fact that the deceased employee had superannuated long time ago in the year 1985. Hence, it became difficult to trace all the relevant documents including his original Service Book. Due to lack of available records, another Service Book could also not be reconstructed. In view of the above fact, Mr. Ghosh submits that if a direction is given to the alleged Contemnor/OP to process the family pension on the basis of available records, the same would be complied. Mr. Ghosh has also sought cooperation from the applicant in supplying relevant documents in her possession.

Mr. Mitra has reiterated that since this matter will require approval of the Finance Department, such a proposal may be submitted first to the Finance Department for its approval. The role of the Principal Accountant General (A&E), West Bengal will come only after such approval has been obtained.

After hearing the submissions and considering the facts and

Form No.

Vs.

Case No. CCP 36 of 2022 [OA 744 of 2021]

Shri Hirak Mondal, the SDO, Kalyani, Nadia.

circumstances of this case, a direction is given to the alleged Contemnor/OP No. 2, Shri Avijit Samanta, the present Sub-Divisional Officer, Kalyani, Nadia to prepare a proposal for family pension in the name of this applicant, Purnima Majumdar on the basis of available records and records supplied by the applicant for approval of the Finance Department under memo. no. 830-F(Pen) dated 20.09.2010 within a period of sixty (60) days from the date of communication of this order. Let a copy of the proposal submitted by the alleged Contemnor/OP to the Finance Department be filed before this Tribunal on the next date.

Let the applicant add the name of Shri Avijit Samanta, WBCS (Exe.), the Sub-Divisional Officer, Kalyani, Nadia as the alleged Contemnor/OP No. 2A in this contempt application. Let copy of this order along with relevant documents related to the family pension of Purnima Majumdar be communicated by the applicant/petitioner to the alleged Contemnor No. 2A within two weeks from today.

Let the matter appear under the heading "For Orders" on 12.08.2024.

SAYEED AHMED BABA
Officiating Chairperson & Member (A)

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