

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. – MA 67 of 2021 [OA 188 of 2021]

*Shaiba Dey* -- **VERSUS** – The State of West Bengal & Ors.

Serial No. and  
Date of order

For the Applicant : Mrs. S. Mitra, Ld. Advocate.  
For the State respondent : Mr. G.P. Banerjee, Ld. Advocate.  
For the Pr.AG (A&E)WB : Mr. B. Mitra, Depttl. Rep.

06  
21.02.2023

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 23<sup>rd</sup> November, 2022 issued in exercise of the powers conferred under Section 5(6) of the Administrative Tribunals Act, 1985.

On consent of the learned counsels for the contesting parties, the case is taken up for consideration sitting singly

Affidavit of service filed be kept on record.

The prayer in this application is for substituting the name of the applicant in the OA-188 of 2021 in which her husband Kinkar Chandra Dey was the applicant. Since the husband has died, the present applicant, the wife, Shaiba Dey wants to substitute her name in place of the deceased husband.

Mr. G.P. Banerjee, learned counsel for the State respondents, however, opposes this application on the ground that she has no locus standi in a matter where the husband was not entitled for pension himself. Moreover, the substitution in the OA will not entitle her to any family pension since the deceased employee had not been given any pension.

Mrs. S. Mitra, learned counsel for the applicant submits that her purpose is to first substitute the name of this applicant in the OA and later submit a prayer before the respondent explaining her position and praying for family pension.

The prayer for substitution is **allowed**. Let the name of Shaiba Dey, be substituted with the name of Kinkar Chandra Dey in the OA 188 of 2021.

OA-188 of 2021

Since MA-67 of 2021 is allowed, let OA-188 of 2021 be listed under the heading “**For Orders**” on **05.06.2023**.

Mrs. Mitra prays for liberty to file the Supplementary Affidavit before the next date. Prayer allowed.

CSM/SS

**SAYEED AHMED BABA**  
**Officiating Chairperson & Member (A)**