

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble SAYEED AHMED BABA, Member (A)

Case No. – MA-81 OF 2022 (OA-422 of 2019)

Amina Begum VERSUS – The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicant : Mr. M.N.Roy,
Mr. A. Biswas,
Learned Advocates.

02
08.09.2022

For the State
Respondents : Mr. S.N. Roy,
Learned Advocate.

For the Applicant in OA- : Mr. S.P. Dalapati,
Mr. S. Dewan,
Learned Advocates.

For the Pr. A.G.W.B. : Mr. B. Mitra.

Reply filed by Respondent No. 5 be kept with the record.

In this application, the learned counsel for the applicant prays for sanction of family pension to the applicant Arefa Begum who is supposed to be the first wife of the deceased employee Md. Afsar. Md. Afsar was a Fire Operator, retired on 31.10.2017 and died on 25.04.2018. Mr. Dalapati further submits that although Respondent No. 5 Amina Begam was the nominee on record for family pension, but despite her request Amina Begam has refused to share the family pension with her since she does not have any other source of income and has children. Prayer is for giving a direction to the respondent authorities to sanction the family pension in her name.

Mr. Dalapati further submits that the marriage of the deceased employee with Respondent No. 5, Amina Begum was not official due to the fact that as a Govt. employee, Md. Afsar did not seek government's permission during his service period and

while the first wife was also alive. On this particular ground, the learned counsel submits that the family pension sanctioned to Amina Begum be discontinued and sanctioned in favour of the applicant, Arefa Begam.

Mr. Roy, appearing on behalf of Respondent No. 5 submits that veracity of dates at page No. 22 of Annexure-C submitted by applicant, which is a form for family pension filled by the applicant, is questionable. Mr. Roy brings to the notice of the Court that some discrepancies relating to the dates as mentioned in the form as well the paper does not seem to have any signature of the Divisional Fire Officer and the Station Officer. However, Mr. Dalapati submits that if this document is doubted, the Court can always ask for original form for the verification.

Mr. S.N. Roy, appearing on behalf of the state respondent submits that the pension was processed and sanctioned to Amina Begam as nominee of the deceased employee Md. Afsar strictly on the records available in the office of the Respondent. He also submits, as per records available, Amina Begam was the nominee of the deceased employee; therefore, she was eligible to receive the family pension.

Mr. B. Mitra representing the office of the Principal A.G.W.B. shows a set of the original papers relating to family pension of Amina Begam in which the name of Amina Begam, the nominee, is clearly mentioned.

After hearing both the learned advocates and perusing the papers, I am of the opinion that from the records it is very clear

that the deceased employee before his retirement clearly indicated the name of Amina Begum as nominee for family pension in the event of his death. Such facts have been corroborated by the representative of the office of the Principal A.G.W.B. It appears from the submission of Learned counsel for the applicant that Arefa Begum although a wife was not nominated by the deceased employee, therefore, he prays for a direction to the respondent authorities to sanction family pension on her behalf.

In view of the above, I do not find any merit in directing the respondents to cancel the family pension in favour of the Amina Begum and sanction it in favour of the applicant Arefa Begum. From the records, it is abundantly clear that the Respondent authority had completed all the procedures as per rule and awarded the family pension in favour of Amina Begum, the nominee.

Therefore, the application does not have merit and is liable to be dismissed and hence, dismissed..

The interim Order dated 17.05.2022 withholding the family pension to Respondent No. 5 is vacated. Reply filed by Respondent No. 5 be kept with the record. Accordingly, both the MA and OA are disposed of.

sc

SAYEED AHMED BABA
MEMBER (A)