

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Bikash Bhavan, Salt Lake, Kolkata – 700 091.**

**Present-**

**The Hon'ble SAYEED AHMED BABA, Officiating Chairperson & Member (A)**

**Case No. – OA-690 of 2021**

**Sulekha Roy VERSUS – The State of West Bengal & Ors..**

Serial No. and Date of order For the Applicant : Ms. I. Ghosh,  
Learned Advocate.

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09.01.2023 For the State Respondents : Mr. G.P. Banerjee,  
Mr. S.K. Chakraborty,  
Learned Advocates.

For the Private respondents Mr. D. Das.  
Learned Advocate.

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.

In this application the prayer is for a direction upon the respondents to release the proportionate share of retiral benefit of the deceased employee Indranil Roy to the applicant. It appears that the deceased employee, was an employee under the Department of Youth Services and Sports and died in harness at the age of 58 years. This application is by the mother of the deceased employee who is more than 80 years of old.

The submission of learned counsel is that the applicant is an old lady of 80 years old and was completely dependent on the support earlier given by her deceased son who is no more ,thus, the prayer is for a direction to the respondent to disburse 1/3<sup>rd</sup> share of retiral benefits of her deceased son to the applicant.

Mr. Das appearing on behalf of the Private respondent no. 4 & 5 vehemently disputes and objects to such a prayer in the application for proportionate release of 1/3<sup>rd</sup> share of retiral benefits to Mrs. Sulekha Roy, the mother of the deceased employee. Submission of private respondents is that they were fully dependent on the deceased employee and after the demise has lost all economic support, therefore, as per law and as per the nomination papers, she be considered for the entire retiral benefits. It is also submitted by him that the applicant in this application, Sulekha Roy is also the recipient of her own family pension.

After noting the submissions of the learned counsels and perusing the records, the respondent No. 2, Director, Directorate of Youth Services and Sports is hereby directed to pass a reasoned order after considering all the merits in the matter and after perusing the relevant records as per rules. The submissions of the applicant, the mother, Sulekha Roy be also considered appreciating her old age. However, the claim mentioned by the private respondent that she is the beneficiary of her own family pension be verified. Such a reasoned Order be passed after giving an opportunity of hearing to both the sides. The reasoned order be passed within a period of 8 (eight) weeks from the communication of this order and the same be communicated to both the sides within one week thereafter.

I make it clear that I have not gone into the merits of the

case and all the facts are left open upon the respondent No. 2 to deal with.

Accordingly, this OA is disposed of.

SAYEED AHMED BABA  
OFFICIATING CHAIRPERSON & MEMBER(A)

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