

**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. OA – 301 of 2022**

**Latika Dutta - VERSUS - THE STATE OF WEST BENGAL & ORS.**

Serial No. For the Applicant : Mr. A.K. Lahiri,  
and Mr. A.R. Chatterjee,  
Date of order Advocates  
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10.01.2023 For the Respondents : Mr. S. Ghosh,  
Mr. D. Koley,  
Advocates

For the Pr. A.G. (A & E),  
West Bengal : None.

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 638 – WBAT / 2J-15/2016 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.

The issue in this application is relating to the name of nominee mentioned in the pension proposal of the employee. It appears from the submissions that the employee Amaresh Dutta, a Pump Operator with the Department of Irrigation & Waterways and posted in the district of Nadia included the name of one Ujjawala Dutta as wife and nominee to receive family pension in the event of his death. Such proposal having the name of Ujjawala Dutta as his wife was submitted on 16.12.2014 by the Block Development Officer, Karimpur—II to the Principal Accountant General (A & E). Presently, Amaresh Dutta, the husband is receiving pension after his superannuation since 31.08.2015. Mr. Lahiri submits that her husband's second marriage with another woman Ujjawala Dutta is void in

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law since he solemnised this marriage while Latika Dutta, the applicant and the first wife was still alive. As wife she has the sole right to receive family pension after adding her name in the nomination papers. Since the husband has not only solemnised marriage which is not legal but has also added the name of Ujjawala Dutta as wife for family pension. Prayer is that this proposal which was sent to the office of A.G. be modified after adding her name in place of Ujjawala Dutta. Submission of Mr. Lahiri is for a direction to the Block Development Officer to consider the applicant's representation submitted on 21.01.2015, which was followed by a letter addressed to the Respondent from the learned counsel on 15.03.2021. Mr. Lahiri submits that although proper notice was served upon the private respondents No. 5 & 6 and the affidavit of service has been affirmed in the Tribunal but they have failed to appear.

It is evident that despite notice being served, none had appeared on the previous occasions and today. Last chance is given to the private respondents No. 5 & 6 to appear on the next date; otherwise the matter will be disposed of as per record. Mr. Lahiri also prays for time to submit relevant rules to support his submission that as the legally married wife only she is entitled to receive family pension.

Let copy of the order be served upon the Respondents No. 5 & 6 by the applicant with direction to appear on the next date. Let the matter appear under the heading 'Orders' on 15.03.2023.

SAYEED AHMED BABA  
OFFICIATING CHAIRPERSON & MEMBER(A)

A.K.P