

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Mrs. Urmita Datta (Sen), Member(J).

Case No. – OA-367 of 2019

Kaberi Das - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and
Date of order

13
26.02.2021

For the Applicant : Mr. M.N. Roy,
Mr. R.K. Mondal,
Mr. G. Halder
Learned Advocates.
For the State Respondent : Mr. S. Ghosh,
Learned Advocate.

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

The matter is taken up by the Single Bench pursuant to the Notification No. 949-WBAT/2J-15/2016 dated 24.12.2020 issued in exercise of the power conferred under Sub-Section (6) of Section 5 of the Administrative Tribunal Act, 1985.

The applicant is an unmarried daughter of the deceased employee Late Nirmala Das, who died on 10.12.2017 has filed this application. According to the applicant, her father is pre-deceased of her mother, which would be evident from the copy of the service book (i.e. column 2 of the service book) as well as death certificate of the mother. However The Departmental representative of the A.G.W.B. has placed one Memo dated 02.07.2019, whereby they had asked some clarification/documents from the authority for sanction of the Finance Department with regard to the payment of family pension to the unmarried daughter.

The counsel for the respondent has, however, submitted that the Superintendent, Suri Sadar Hospital, Suri, Birbhum has asked for death certificate for both the father and the mother. However, counsel for the applicant has submitted that since her father died in the year 1975, when she was child, therefore, presently she does not have the copy of the death certificate of her father. However, she had already filed one affidavit in this regard and has further submitted that her father

ORDER SHEET

Form No.

Kaberi Das

Vs.

Case No. **OA-367 of 2019**

State of West Bengal & Ors.

13
26 .02.2021

was pre-deceased to her mother, which would be evident from the service book of her mother as well as death certificate of her mother. Therefore, this requirement may be condoned as it is a mere technicality.

In view of the above as the applicant has already submitted an affidavit with regard to non availability of death certificate of her father, though her mother was getting pension and in her service book she had declared her husband as pre-deceased, which was accepted by the Department, even in the death certificate of the mother of the applicant, it has been recorded that the father of the applicant was pre-deceased. Therefore, Superintendent Suri Sadar Hospital is directed to consider the case of the applicant in the light of the above mentioned facts by taking care of the affidavit of the applicant and to proceed for family pension in terms of Memo No. 830-F (Pen) dated 20.09.2010 within a period of eight weeks from the date of receipt of the order.

The applicant is directed to communicate the order to the Superintendent, Suri Sadar Hospital, i.e. Respondent No. 3. Further the counsel for the applicant has prayed for leave to add Principal Secretary, Finance Department as a party Respondent No. 5 to consider her case in this regard. Prayer is allowed. The applicant is directed to serve copy of this petition along with the order of this Tribunal to the Finance Department. Let the matter be listed for admission hearing on 07.05.2021.

URMITA DATTA (SEN)
MEMBER (J)

ORDER SHEET

Form No.

Kaberi Das

Vs.

Case No. **OA-367 of 2019**

State of West Bengal & Ors.

Page/2

03

10.02.2021

WEST BENGAL ADMINISTRATIVE TRIBUNAL