

**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 – 410 of 2024**

**Sudarshan Das & Others - VERSUS - THE STATE OF WEST BENGAL & ORS.**

Serial No. For the Applicants : Mr. M.L. Roy,  
and Learned Advocate.

Date of order

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02.04.2025

For the Respondents : Mr. M.N. Roy,  
Learned Advocate

For the Pr. A.G. (A & E), : Mr. B. Mitra,  
West Bengal (Departmental Representative)

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.

Affidavit of service filed be kept in record.

The applicant has prayed for a direction to the respondents to disburse the arrear family pension. The father of the applicant, Sachindra Nath Das, a retired constable had died on 31.08.2006. As per the nomination forms submitted by the deceased employee, Mahamaya Das, the widow was given the terminal benefits including family pension. Mahamaya Das received family pension with arrears along with other dues till her death on 28.12.2021. The contention of the applicant side for release of arrear family pension along with other dues is supported by the succession certificate in the name of the applicants as legal heirs of the deceased employee, Sachindra Nath Das. Mr. M.L. Roy, learned counsel argues that the respondent authorities were wrong in releasing family pension and other benefits to Mahamaya Das, whose marriage with the deceased employee is also being questioned. Contention is, instead of Mahamaya Das, such benefits were to be given to these applicants who have been declared legal heirs of the deceased employee by the succession certificate.

It has become clear to the Tribunal that although a succession certificate was in their favour since 14.01.2015 but they never challenged the family pension and other retiral benefits given to Mahamaya Das since 01.09.2006. The respondent authorities were also not made aware by the applicants that a succession certificate issued in 2015 entitled them to receive the family pension and other retiral benefits. The respondent authorities were correct in releasing such benefits to Mahamaya Das in accordance with

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the nomination. The Tribunal is clear in understanding that by relying on such succession certificate issued to them on 14.01.2015, the applicants cannot claim now recovery of any family pension and other dues already sanctioned to Mahamaya Das. It is also to be recorded here that Mahamaya Das is deceased since 28.12.2021. Therefore, the question of recovery of such family pension and other retiral benefits does not arise. The prayer in this application being devoid of any merit and thus dismissed.

**SAYEED AHMED BABA**  
**OFFICIATING CHAIRPERSON & MEMBER(A)**

A.K.P.