

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson and Administrative Member

Case No. –OA 481 OF 2024

MAMDUDA BIBI - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	:	Mr. G.P. Banerjee, Miss. A.P. Banerjee, Advocates
<u>1</u> 11.11.2024	For the State Respondents	:	None
	For the Principal Accountant General (A&E), West Bengal	:	Mr. Biswanath Mitra, 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 (Pt.-II) dated 23rd November, 2022 issued in exercise of the powers conferred under section 5(6) of the Administrative Tribunals Act, 1985.

Let affidavit of service filed be kept on record.

The prayer in this application is for a direction to the respondent authorities to allow the applicant to draw the family pension in equal share with the private respondent No.6 by setting aside the letters dated 26.09.2023 and 17.05.2024.

Mr. Banerjee, learned counsel relies on an order of this Tribunal in OA 563 of 2023 : “Rousanara Bibi vrs. The State of West Bengal & Ors.” and submits that this matter is also similar, therefore, a similar direction may be passed on the respondent authorities for grant of 50% of pension to the applicant.

From the submissions, the Tribunal finds that a direction was passed in OA 563 of 2023 : “Rousanara Bibi vrs. The State of West Bengal & Ors.”, the relevant portion of which is as under:

“The clarification given by the Finance Department to the Government of West Bengal vide No. 285-F(Pen)/N/F-1p-280/2022 dated 24th March, 2023 runs counter to the well settled principles of law. The Hon'ble Supreme Court of India in the matter of Rameshwari Devi –Versus- State of Bihar and Others reported in (2000) 2 SCC 431 made it abundantly clear that, the

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proceeding under the relevant rules for misconduct of marrying for the second time during subsistence of the first marriage has to be initiated during the life time of the husband being the deceased government employee and accordingly, negated the argument put forward by the respondents therein.”

Having heard the learned counsel and the Departmental Representative and after proper examination of the records, it is very clear to the Tribunal that the matter in this application is similar to the matter adjudicated by this Tribunal in OA 563 of 2023 : “Rousanara Bibi vrs. The State of West Bengal & Ors.”. The applicant is directed to communicate a copy of this order along with order dated 04.04.2024 passed in OA 563 of 2023 to the Block Development Officer, Lalgola, Murshidabad, respondent No.3. In the light of the above observations of the Tribunal, the respondent No.3, the Block Development Officer, Lalgola, Murshidabad is directed to submit a proposal for sanction of family pension along with arrear, if any, for both Mamduda Bibi, the applicant and Umela Bibi, private respondent No.6, wives of the deceased employee, Md. Naimuddhin Sk. in equal shares within three months from the date of communication of this order.

The application is disposed of.

(SAYEED AHMED BABA)
OFFICIATING CHAIRPERSON
and MEMBER (A)

SCN.