

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 – 53 of 2017

Smt. Swagata Maity (Bari) & Others - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No.

and

Date of order

11

31.07.2025

For the Applicants : Mr. S. Santra,
Learned Advocate

For the Respondents : Mr. G.P. Banerjee,
Learned Advocate

For the Pvt. Respondents : Mr. S. Bhattacharjee,
Learned Advocate

&

OA – 547 of 2024

Sandhya Bari –Vs State of West Bengal & Others

For the Applicant : Mr. S. Bhattacharjee,
Learned Advocate

For the Respondents : Mr. A.K. Das Sinha,
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 23rd November, 2022 issued in exercise of the powers conferred under Section 5(6) of the Administrative Tribunals Act, 1985.

Since the prayers in this application as well in O.A. – 547 of 2024 are same and related to the deceased employee, Sudarsan Bari, therefore, both these applications are heard analogously.

Sudarsan Bari, the original applicant who worked as a UDC, attached to Egra Sub-divisional Hospital, Purba Medinipur was under suspension and a disciplinary proceeding was pending against him. During the period of such suspension and proceedings, he superannuated on 29.02.2008 after attaining the age of 60. While OA – 53 of 2017 was being heard by the Tribunal, Sudarsan Bari expired on 12.12.2017. By order of this Tribunal in a Miscellaneous Application, the names of Swagata Maity (Bari), Sumita Das (Bari) and Sangita Mandal (Bari) were substituted as legal heirs of

Form No.

Vs.

Case No.

THE STATE OF WEST BENGAL & ORS.

deceased, Sudarsan Bari. These three legal heirs of Sudarsan Bari are the married daughters from the divorced wife, Gouri Bari. Sandhya Bari, the private respondent in OA – 53 of 2017 is the second wife of the deceased, Sudarsan Bari. Her children, Sutapa Bari and Susovan Bari are also private respondents in the application. The original applicant, deceased Sudarsan Bari and continued by his daughters, the substituted applicants have prayed for a direction upon the respondent authorities to release pension along with arrears of Sudarsan Bari with effect from 2008 including family pension and other retiral / terminal benefits of the deceased employee to them.

It also has been brought to notice of this Tribunal that earlier on 02.07.2025, a direction was passed in O.A. 547 of 2024 directing the Superintendent, Egra SD & SS Hospital to examine the documents furnished by Sandhya Bari and if found admissible, benefits be sanctioned. As mentioned above, Sandhya Bari, the second wife of deceased Sudarsan Bari had filed an application being O.A. – 547 of 2024 before this Tribunal and the application was disposed of by such a direction to the Superintendent, Egra SD & SS Hospital. While hearing O.A. – 547 of 2024 filed by Sandhya Bari, it was not brought to notice of the Tribunal that another application, being O.A. – 53 of 2017 filed by the deceased employee was being heard by this Tribunal and yet to be disposed of.

From the above circumstance, it has become clear to this Tribunal that, Sandhya Bari in her application O.A. – 547 of 2024 had not revealed that there are other legal heirs of the deceased Sudrsan Bari.

Therefore, this Tribunal is of the view that the order passed in O.A. – 547 of 2024 on 02.07.2025 relating to the prayers of Sandhya Bari, second wife need to be recalled.

Now, the Superintendent, Egra SD & SS Hospital is directed to give an opportunity of hearing to the following legal heirs :-

- i) Smt. Sandhya Bari (second wife)
- ii) Smt. Swagata Maity (Bari)
- iii) Smt. Sumita Das (Bari)
- iv) Smt. Sangita Mandal (Bari)
- v) Km. Sutapa Bari (daughter) and

ORDER SHEET

Form No.

Vs.

Case No.

THE STATE OF WEST BENGAL & ORS.

vi) Sri Susovan Bari (son).

After hearing all the parties and after having examined their documents, their prayers for pension with arrears, family pension and other death / retiral benefits may be considered as per rules. Such decision be expressed in a speaking and reasoned order within a period of six months from the day such hearing is completed and copy be communicated to all the legal heirs within two weeks thereof.

Let this order also be the order in O.A. – 547 of 2024 in cancellation of the order dated 02.07.2025.

With the above direction, these two applications O.A. – 547 of 2024 and OA 53 of 2017 are disposed of.

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

A.K.P.