

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 693 of 2022

Pushpa Singh & Another -- VERSUS – The State of West Bengal & Ors.

Serial No. and Date of order	For the Applicants	: Mr. M.A Sardar, Mr. S. Haque, Ld. Advocates.
<u>04</u> 06.07.2023	For the State respondent Nos. 1, 2 and 3	: Mr. M.N. Roy, Ld. Advocate.

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.

On consent of the learned counsels for the contesting parties, the case is taken up for consideration sitting singly.

The prayer in this application is for a direction to the respondent authority to grant family pension in favour of the applicant, Pushpa Singh. It is submitted that the applicant is the widow of the deceased employee, Ram Biswas Singh who had served as a Constable with West Bengal Police. After the death of the employee, the applicant had claimed for family pension before the respondent authorities. The respondent no. 3, Superintendent of Police, Birbhum had caused an enquiry and its report was submitted before the Deputy Inspector General of Police (P&W) on 21.10.2022. The report reveals that Ramavati Devi was the wife of the deceased employee and her name was duly recorded as “wife” on the first page of the Service Book of the employee. The name of the applicant, Pushpa Singh has not been recorded as wife in either Service Book or any other service documents of the deceased employee. Subsequently, the respondent authority had submitted a proposal for family pension to the office of the Principal Accountant General (A&E), West Bengal in the name of Ramavati Devi.

To substantiate the claim of being wife of the deceased employee, Ram Biswas Singh, the applicant has presented copies of marriage certificate and other identity documents to prove that she is the wife.

After hearing submission of the learned counsels and perusing the records in this application, it is the view of this Tribunal that the matter is the determination of a Civil Court. So far the official documents are concerned, it

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is clear that the Service Book has an entry in the name of Ramavati Devi as wife of the deceased employee. If the deceased employee had solemnised a marriage with the applicant, Pushpa Singh, it is clear that the respondent authorities have not been notified by the employee. Therefore, the question of validity of such a marriage in the eyes of law when the first marriage still subsists, has to be looked into.

Accordingly, this application is **disposed of** by directing the applicant to approach the competent court, if so desired.

SAYEED AHMED BABA
Officiating Chairperson & Member (A)

CSM/SS