

**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 796 OF 2023**

**KALPANA DAS @ KALPANA RANI DAS - VERSUS - THE STATE OF WEST BENGAL & ORS.**

Serial No. For the Applicant : Mrs. Debasree Dhamali,  
and Advocate  
Date of For the State Respondents : Mr. M.N. Roy,  
order Advocate

2  
19.03.2024

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 23<sup>rd</sup> 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 parties, the case is taken up for consideration sitting singly.

Mrs. D. Dhamali, learned counsel appearing on behalf of the applicant, files a copy of order dated 20.06.2022 in FA 435 of 2009 with I.A. No. CAN 3 of 2017 (Old No. CAN 10794 of 2017) CAN 4 of 2021 passed by the Hon'ble High Court and submits that it is clear and not in dispute that Kalpana Das @ Kalpana Rani Das, the applicant is the wife of the deceased employee. Therefore, a direction may be given to the respondent authorities to disburse the family pension in her name.

Let copy of this order be kept in record. A copy has been served upon the other side.

Mr. Roy, learned counsel, after examining the order, also confirms that Kalpana Das, being the wife and her name also being recorded in the service book, is entitled to receive the family pension. As regards the other benefits like gratuity, G.P.F., G.I.S.S. and leave salary, Mr. Roy contends that since the deceased employee has executed a will giving these to his sister and since a probate proceeding is pending before the District Delegate, Chinsura, order with regard to disposal of these benefits may be kept pending till outcome of such order by the District Delegate, Chinsura.

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**THE STATE OF WEST BENGAL & ORS.**

Having heard the submissions of the learned counsels it is clear that the applicant Kalpana Das, being widow of the deceased employee, Asit Kumar Das, is the sole recipient of family pension and thus, a direction is given to respondent No. 2. (iv), the Commandant, SAP 6<sup>th</sup> Battalion, Barrackpore to process the proposal of family pension in favour of Kalpana Das @ Kalpana Rani Das, the applicant and submit the same before the Principal Accountant General (A&E), preferably within three months from the date of communication of this order. Should any relevant document and cooperation is required from the applicant's side, the applicant may be advised so. As regards the other terminal benefits namely, gratuity, G.P.F., G.I.S.S. and leave salary, decision may be taken on the basis of outcome of the probate proceeding (case No. 20 of 2023).

Accordingly, this application is disposed of.

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

SCN.

WEST BENGAL ADMINISTRATIVE TRIBUNAL