

**ORDER SHEET**

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Bikash Bhavan, Salt Lake, Kolkata – 700 091.**

**Present-**

**The Hon'ble Mrs. Urmita Datta (Sen), Member (J),**

**Case No. OA – 621 of 2021**

**Mira Dutta & Others - VERSUS - THE STATE OF WEST BENGAL & ORS.**

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|------------------------------------|--|--|
| Serial No.<br>and<br>Date of order | For the Applicants                       | : Mr. A.K. Niyogi,<br>Advocate                 |
| <u>5</u><br>03.03.2022             | For the Respondents                      | : Mr. G.P. Banerjee,<br>Advocate               |
|                                    | For the Pr. A.G. (A & E),<br>West Bengal | : Mr. B. Mitra,<br>Departmental Representative |

During the course of the hearing, the counsel for the respondents has submitted that they have been made party in one Civil Suit No. 639 of 2015, claiming the pensionary benefit as a son of the said deceased employee. However, as per the applicant, the said person had claimed to be son of the deceased employee, whereas the applicant is the wife of the deceased employee. Therefore, with regard to family pension, she is having the first right over that and in this regard the counsel for the applicant has submitted that the respondent be directed to provide at least family pension to the applicant.

However, the counsel for the respondents has submitted that during the pendency of the civil suit, she is not entitled to get any pensionary benefit.

In view of the above, the respondents are directed to provide family pension to the applicant. The counsel for the applicant has submitted that at present she is only asking for family pension and with regard to the other claim, the decision may be taken as per Rules. In view of the above, the respondents may take decision as per Rules.

Accordingly, the O.A. is disposed with no order as to cost.

Since for circumstances beyond control, the Registry is unable to furnish plain copies of this order to the learned advocates for the parties, the Registry is directed to upload this order on the website of the Tribunal forthwith and parties are directed to act on the copies of the order downloaded from the website.

P.K.D./A.K.P.

**URMITA DATTA (SEN)  
MEMBER (J)**