

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Sayeed Ahmed Baba, Administrative Member.

Case No. –OA-1 of 2021

Srimatya Malati Shaw @ Sahoo. - Versus - The State of West Bengal & Others.

Serial No. and Date of order : For the Applicant : Mr. R. N. Bag,
Mr. R. Raj,
Advocates.

05
15.06.2022.

For the State Respondents : Mrs. S. Agarwal,
Advocate.

In this application, Malati Shaw @ Sahoo – the applicant, is wife of the deceased employee who died in service on 08.02.2013 as a Group- 'D' employee working at Sabang Gramin Health Center in the district of Paschim Medinipur.

The applicant has prayed for suitable direction to be given to the respondents to release death-cum-retiral benefits and family pension. The applicant had earlier moved an application before the same Tribunal and the Tribunal in its order dated 04.05.2015 had directed the State respondents to disburse the family pension as soon as Succession Certificate issued by a competent Court is placed before him.

Subsequently, Civil Judge (Senior Division), 3rd Court (Sadar), Paschim Mednipur in his order dated 15.03.2017, ordered the Succession Certificate in favour of both the petitioner and opposite party in respect of certain debts and securities of the deceased Narayan Sahoo the relevant portion is as under :-

“ Issue a Succession Certificate in favour of the petitioner and the opposite party, in respect of the schedule mentioned debts and securities of the deceased, Narayan Sahoo, to the extent of ½ share each. ”

In this application, the learned advocate for the applicant

prays that now since the Succession Certificate has already been issued by the appropriate Court, therefore, the State respondents may be directed to release her ½ share of the death-cum-retiral benefits of the deceased husband. The prayer is also made for release of family pension.

The learned advocate for the applicant also has informed that in the meantime, the mother-in-law, Gouribala Shaw, the opposite party to whom ½ share was ordered by the Civil Judge, has died on 15.02.2018. Therefore, the other ½ share which belonged to the mother-in-law should also be transferred to the applicant, Malati Shaw @ Sahoo.

Mrs. S. Agarwal, learned advocate for the State respondents has agreed with the above statements except that the applicant has to make a fresh application before the respondents with the intimation and supporting documents to declare that the mother-in-law has expired, therefore, her share of 50% should also be transferred to the applicant Malati Shaw @ Sahoo.

After hearing the learned advocates and considering facts and circumstances of the case, the Chief Medical Officer of Health, Paschim Medinipur -the respondent no. 2 is directed to release the 50% of death-cum-retiral benefits belonging to the applicant as per the succession certificate and also process for disbursal of the family pension to the applicant. The Chief Medical Officer of Health, Paschim Medinipur -the respondent no. 2 shall follow all existing norms and rules in complying with the above direction within a period of four weeks from the date of representation and presentation of a copy of this order

Form No.

Srimatya Malati Shaw @ Sahoo.

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downloaded from the website of the Tribunal. I make it clear that I have not gone into the merits of the matter and all facts are left open to be dealt with by the respondent according to law.

The application is disposed of.

(SAYEED AHMED BABA)
MEMBER(A)

S.M.