

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

Mr. Sayeed Ahmed Baba, Officiating Chairperson and Hon'ble Member (A).

Case No. – OA 163 of 2024.

MAMPI BHATTACHARJEE - VERSUS- THE STATE OF WEST BENGAL & OTHERS

Serial No. and
Date of order

02
22.5.2024

For the Applicant : Mrs. S. Das,
Advocate.

For the State Respondents : Mr. S. Ghosh,
Advocate.

For the respondent No. 6 : Mr. P. Pal,
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.

Affidavit of service filed be kept on record.

Heard the learned counsels.

The matter is admitted.

Mr. B. Mitra submits that though an added respondent, but the Principal Accountant General (A & E) has not been served a copy of this application. Mrs. Das, learned counsel for the applicant assures to serve a copy of the application to Mr. B.Mitra, the departmental representative before the next date of hearing.

Attention has been drawn to order passed by the Deputy Director (Hydraulics) on 21.9.2022. By this order, the respondent after examination of documentary evidences decides 50 per cent of family pension in favour of the applicant – Mampi Bhattacharjee, the unmarried daughter of the deceased employee and the remaining 50 per cent share has been decided in favour of Soma Bhattacharjee, the private respondent as second wife of the deceased employee. Mr. Pal appearing for the Private respondent no. 6 submits that his client had objected to such division of the family pension and assures to file copy of the protest letter

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THE STATE OF WEST BENGAL & ORS.

written to the respondent protesting about such order.

Mr. Ghosh however feels that the second part of the order granting other retiral benefits like death gratuity, GPF, Group Insurance and leave salary only to the applicant, Mumpi Bhattacharjee, is not in conformity with the rules relating to such matters. According to Mr. Ghosh as per existing rules, part of these benefits should have been given to the legal heirs of the deceased employee including private respondent no. 6. As regards, the order of family pension devolving 50 per cent share each to the applicant and the private respondent, Mr. Ghosh feels that this is in conformity with the existing rules and supported by laws.

Let the matter appear under the heading "For Orders" on 14th August, 2024.

(SAYEED AHMED BABA)
Officiating Chairperson and Member (A).

Skg.