

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 164 OF 2023

SMT. PRABHATI MAHATO - Vs - THE STATE OF WEST BENGAL & OTHERS

Serial No. and
Date of order

08
08.05.2025

For the Applicant	:	Mrs. Sunita Agarwal Advocate
For the State Respondents	:	Mrs. Sonali Mitra Advocate
For the Principal Accountant General (A&E) West Bengal	:	Mr. Biswanath Mitra (Departmental Representative)

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 and the learned Departmental representative for the contesting parties, the case is taken up for consideration sitting singly.

Liberty is given to Mrs.S.Agarwal, learned counsel for the applicant to add the Deputy Commissioner of Police, Port Division as Respondent No. 8.

The prayer in this application is for a direction to the respondent authorities to release the family pension to the applicant together with interest @ 10% p.a. It appears that the applicant is the widow of the deceased employee who retired from service on 31.07.2006 as a Constable-cum-Driver with Kolkata Police and later died on 30.05.2021.

Responding on behalf of the State respondents, Mrs. Sonali Mitra, learned counsel for the State respondents and Mr. Biswanath Mitra, the Departmental Representative for the Principal Accountant General (A&E), West Bengal referred to the correspondence of the Principal

Accountant General (A&E) and also the pension papers and submitted that the admissibility of the applicant for family pension is to be considered in the light of facts as given in the above letter. Mr. B. Mitra, Departmental Representative refers to the copy of the PPO in the name of the deceased employee and submits that in Part II of the PPO of the deceased employee against column No.13, "Amount of Family Pension", the words "NO FAMILY PENSION" has been recorded. Further, in the same PPO at column No.15, "Nominee(s) as per nomination for the payment of Arrears of Pension (Nomination) Rules, 1986", the name of ROHINI MAHATO, as brother of the applicant and nominee, has been recorded.

Attention is also drawn to copy of nomination for death gratuity in which the same name of Rohini Mahato, as elder brother of the applicant is recorded as nominee for receiving gratuity. From the records in this application, it does not indicate that the applicant had married to the deceased employee, Gouranga Mahato. Documents such as Marriage Certificate, Legal Heir Certificate are not available to prove her claim of being the wife of the deceased employee and thus, the nominee to receive the family pension.

Mrs. Agarwal, learned counsel has submitted that though such records are not being presented before the Tribunal, but the fact remains that Prabhati Mahato was the legally married wife of the deceased employee and now a widow praying for family pension.

Although no documents were presented before this Tribunal supporting her claim to be the deceased employee, but this Tribunal observed that the address, being "Vill. – Khyradhi, P.O. – Sagma, P.S. Balarampur, Dist.-Purulia", which was given in her representation dated

22.11.2022 before the respondent authorities, was the same address recorded by the Principal Accountant General (A&E), West Bengal at column No.4, "Residential Address", in Part II of the PPO of the deceased employee. Mr. B. Mitra, Departmental Representative confirmed this observation with the submission that such address noted in the PPO was as per the records of the respondent authorities. The incidence of the same address being shown in the applicant's representation as well as in the PPO gives the impression that the applicant's claim of being the wife of the deceased employee may have some iota of truth. The Tribunal was also aware that a woman, who is 73 years old, hailing from a remote village of far-flung district of Purulia, may not have legal documents to support her claim. Therefore, the Tribunal directed the District Magistrate, Purulia to cause an enquiry into the claim of the applicant whether she is the legally married wife of the deceased employee, Gouranga Mahato, a Constable-cum-Driver in Kolkata Police, superannuated on 31.07.2006 and later died on 30.05.2021.

Mrs. Mitra presents an Enquiry Report filed by the District Magistrate, Purulia. The District Magistrate had caused this enquiry to be conducted by the Block Development Officer, Balarampur Development Block, Purulia by Memo. 435 dated 19.03.2025. The enquiry report signed by the Block Development Officer and Samiti Education Officer, Balarampur Development Block clearly states that the applicant, Prabhati Mahato is the legal wife of Late Gouranga Mahato. Such finding is also supported by the documents enclosed with the report like the Aadhaar Card, EPIC, Bank pass books showing her name, Prabhati Mahato is the wife of Gouranga Mahato. The Pradhan, Baraurma Gram Panchayat has also issued a legal heir certificate dated

Form No.

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04.04.2025 mentioning the name of Prabhati Mahato as wife of Gouranga Mahato. In addition to these documents, Prabhati Mahato sworn an affidavit of being the wife of Gouranga Mahato before the Executive Magistrate Purulia. The learned counsels after having examined the report are also satisfied that based on these documents, it is clear that Prabhati Mahato is the legal wife of deceased employee, Gouranga Mahato and, therefore, entitled to receive the Family Pension.

In view of the above facts which have emerged after examination of the Enquiry report submitted by the District Magistrate that Prabhati Mahato is the legal wife of the deceased employee, Gouranga Mahato and now the widow, therefore, as per extant rules, she is entitled to receive the Family Pension. The respondent No. 7, the District Magistrate is directed to send the original Enquiry report with the documents after each document is attested by a Gazetted Officer and send the same to Mrs.Mitra, learned counsel for the State respondents. Mrs. Mitra, after having received the original report with the documents, present these before the respondent No. 8, the Deputy Commissioner of Police, Port Division. Once the documents are received, the respondent No. 8, the Deputy Commissioner of Police, Port Division is directed to process a proposal for Family Pension in favour of the applicant, Prabhati Mahato and submit the same before the Principal Accountant General (A&E) West Bengal within a period of three months.

The application is disposed of.

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

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