

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

Serial No. and Date of order	SMT. PRABHATI MAHATO For the Applicant	<u>Vs</u> : Mrs. Sunita Agarwal, Learned Advocate	The State of West Bengal & Ors.
<u>7</u> 17.02.2025	For the Respondents	: Mrs. Sonali Mitra, Learned 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.

Since the District Magistrate, Purulia has not been made a respondent in this application, liberty is given to the applicant's side to add him as the respondent No.7 and serve a copy of this application along with a copy of this order to the added respondent.

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

ORDER SHEET

Form No.

SMT. PRABHATI MAHATO

Vs.

Case No. - OA- 164 of 2023

THE STATE OF WEST BENGAL & ORS.

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 are presented before this Tribunal supporting her claim to be the deceased employee, but this Tribunal observes that the address, being "Vill. – Khyradhi, P.O. – Sagma, P.S. Balarampur, Dist.-Purulia", which is given in her representation dated 22.11.2022 before the respondent authorities, is 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 confirms this observation with the submission that such address noted in the PPO is 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 is also aware that a woman, who is

ORDER SHEET

Form No.

SMT. PRABHATI MAHATO

Vs.

Case No. - OA- 164 of 2023

THE STATE OF WEST BENGAL & ORS.

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 directs 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. The District Magistrate, in his enquiry report, may also find out if the applicant has in her possession any documents to establish her claim to be the wife. A comprehensive enquiry report be submitted before this Tribunal within 60 (sixty) days from the date of communication of this Order to him.

Let the matter appear under the heading "For Orders" on 08.05.2025.

SCN.

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