

**ORDER SHEET**

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

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

**Present-**

**The Hon'ble Sayeed Ahmed Baba, Administrative Member.**

**Case No. –OA 198 of 2022**

**Anjila Bibi. - Versus - The State of West Bengal & Others.**

Serial No. and Date of order	For the Applicant	: Mr. D. Banerjee, Advocate.
<u>05</u> 07.09.2022.	For the State Respondents	: Mr. R. K. Mondal, Advocate.
	For the Principal Accountant General (A&E), West Bengal.	: Mr. B. Mitra, Departmental Representative.

In this application, the applicant – Anjila Bibi, the second wife of the deceased employee Nazrul Haque Mondal prays for a direction to the respondent authorities to pay her the family pension in respect of the deceased husband. The employee retired from the North 24-Parganas Police on 01.07.2012, his first wife Rijiya Bibi, who was the nominee in the service book of the employee, died on 16.01.2018. The marriage of the applicant under Sharia Law was solemnised with the deceased employee Nazrul Haque Mondal on 02.08.1982. So submission of the learned counsel for the applicant is a direction to the respondent authority to consider the applicant's representation regarding sanction of family pension to her as she is the surviving legal wife of the deceased employee. In support of the marriage, the applicant has furnished copies of a marriage certificate issued by the Muslim Marriage Registration Office, Kusumgram, Burdwan, West Bengal.

Mr. R. K. Mondal, learned counsel appearing on behalf of the respondents submits that the applicant's husband, the deceased government employee as per existing government rule had not taken permission from the government for solemnising a second wife while the first wife was still alive. Mr. Mondal submits a copy of the opinion of the learned Legal Remembrancer, Government of West Bengal, who has opined that since the said government employee married a second

time while the first wife was alive so disciplinary action should be taken against him.

Mr. Mondal submits that although under Sharia Law a Mohammedan employee is entitled to marry more than once, even during the lifetime of the first wife, but being a government employee, the employee should have intimated the authority before solemnising a second marriage while the first wife was still alive. It also appears that during the 30 years lifetime of the applicant as wife to the employee, no intimation was made by the deceased employee to the respondent authorities regarding his second marriage.

Mr. D. Banerjee, learned counsel prays for adjournment so that by the next date he will submit more supportive documents, supporting the applicant as a legally married wife of the deceased employee.

Let the matter appear under the heading “Admission Hearing” on 23<sup>rd</sup> September, 2022.

(SAYEED AHMED BABA)  
MEMBER(A)

S.M.