

**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 217 of 2021**

**KRISHNA MANDAL @ KRISHNA MONDAL - Vs - THE STATE OF WEST BENGAL & OTHERS.**

Serial No. and

Date of order

12  
18.07.2023

For the Applicant : Mr.B.Chatterjee  
Mr.T.Chakraborty  
Mr.S.De  
Advocates

For the State Respondents : Mr.Goutam Pathak Banerjee  
Advocate

For Principal Accountant : Mr.B.Mitra  
General (A&E) West Bengal (Departmental Representatives)

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 23<sup>rd</sup> 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 Departmental Representatives for the contesting parties, the case is taken up for consideration sitting singly.

In this application, the applicant Mrs. Krishna Mondal wife of the deceased employee who worked as a constable since 1977 has sought for the following relief. Relevant portion are as under :-

a) "An order directing the respondents, their agents, subordinates and successors to disburse and/or release the family pension along with all arrears of Late Jobdeb Mondal @ Joydeb Mandal, Ex-Constable, West Bengal Police Directorate to the applicant along with interest @ 18 % per annum till the actual payment to the applicant forthwith."

During his service one departmental proceeding was drawn up

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against him in the year 2005 and he was suspended from his service. While under suspension, the applicant expired on 21.09.2012. Learned advocate on behalf of the applicant submits for issuing a direction to the respondents to release her family pension and other retiral benefits.

Learned advocate for the state respondent submits that the prayer is not maintainable since he was dismissed from the service after due enquiry. Learned advocate submits a copy of the final order dismissing the deceased employee which was served and received by the deceased employee on 01.10.2005. This is kept in the record. Relevant portion of the dismissal order is as under :-

- a) "Hence, the show cause notice for dismissal is made final. Accordingly, I dismiss the constable/755 Joydeb Mondal of North 24 Parganas district from service w.e.f. 29.09.2005 A.M. He is directed to deposit his Appointment Certificate, Govt. Kits and other Govt. properties lying with him as per his official capacity as constable of police, the concerned units of this department".

Learned advocate submits that the case for release of family pension is not maintainable since Rules do not permit any pension to a dismissed from service employee. Hence the application may be dismissed.

Learned advocate for the applicant submits that in view of the above information given; let the respondents be directed to provide the copy of the service book of the deceased employee to him.

Learned advocate for the respondents contends and submits that since the employee was already dismissed from service in 2005, it is not

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relevant to her prayer to have access to the service book of the deceased employee to the applicant.

After hearing the submissions of the learned counsels and considering the facts of this case, the Tribunal has observed the very fact that the legal heirs of the dismissed employee is not entitled for family pension has not been controverted by the applicant. Therefore, the Tribunal comes to the conclusion that the prayer in this application for family pension with arrears to the legal heirs of the deceased employee is not admissible under rules.

Therefore, the Tribunal does not find any merit in this application. Accordingly, this application is disposed of without any orders.

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

BLR