

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble SAYEED AHMED BABA, Member (A)

Case No. – OA-217 of 2021
Krishn Mandal @ Krishna Mondal VERSUS – The State of West Bengal & Ors.

Serial No. and Date of order	For the Applicant	:	Mr. B. Chatterjee, Mr. T. Chakraborty, Mr. S. De, Learned Advocates.
<u>07</u> 16.06.2022	For the State Respondent	:	Mr. G.P. Banerjee, Learned Advocate
	For the Pr. A.G.W.B.	:	Mr. B. Mitra.

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 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.

Form

Krishn Mandal @Krishna Mondal

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

Learned advocate for the applicant prays for a short accommodation so that in the next date he will be able to provide any relevant facts or documents pertaining to this case. Prayer is allowed. Let the matter come up under the heading “Hearing “ on **05.07.2022**.

sc

SAYEED AHMED BABA
MEMBER (A)