ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata - 700 091.

Present-

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

Case No. - OA-219 of 2022

Biman Chandra Roy VERSUS – The State of West Bengal & Ors..

Serial No. and Date of order

For the Applicant : Md. Jalaluddin,

Learned Advocate.

 $\frac{02}{19.09.2022}$

For the State : Mr. S. Ghosh Respondents : Learned Advocate

Mr. B. Mitra.

For the Pr. A.G.W.B.

Mr. A. De,

For the L & L R Deptt.

Ms. R. Sarkar, Departmental Representatives.

In this application, the prayer is for a direction to the respondent to grant family pension in favour of the applicant. The father of the applicant retired from Kolkata Police and later expired on 22.08.2013 leaving behind two sons, the present applicant and his brother. The deceased employee after retirement till his death was receiving his pension. After a gap of more than six years, the present applicant applied for family pension stating that he is a physically handicapped person with 50 % low vision. Since the respondents were not considering his application for family pension, he approached the Tribunal in OA - 65 of 2021. The Tribunal heard the matter and disposed it of by ordering that the applicant is not entitled to get family pension and the application was dismissed.

Being aggrieved by this order of the Tribunal, the applicant prayed for setting aside the order in the Hon'ble High Court, Calcutta in WPST No. 61 of 2021. The Hon'ble High Court consider and ordered the respondent, Commissioner of Police, (Reserve Force) Kolkata Police to revisit the order dated

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16.06.2020. The respondent in compliance to Hon'ble Court's order, considered the representation afresh and disposed of the same by observing that as per Medical Board, although the applicant is 60% visually impaired is able to earn his livelihood. Besides this, it also appears that the applicant is the owner of one bigha and six cottahs of agricultural land in his native place, Salar, Murshidabad.

After hearing the parties and considering the submissions, I am of the view that the rejection of his representation for family pension both by the Tribunal in OA-65 of 2021 and the respondents has merit. It is apparent that, although the applicant is 60 % visually impaired but is also owner of an agricultural land of one bigha and six cottah which is sufficient to take care of his livelihood.

The respondent was also reasonable in turning down the representation because in the pension rules, there is no provision for sanction of family pension to an adult son, nearly 50 years. Hence no order is passed. Accordingly, the OA is disposed of.

SAYEED AHMED BABA MEMBER (A)

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