

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 231 of 2021

Pramila Mahata - Vs - The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicant : Mrs. Sonali Mitra,
Learned Advocate.

15
14.12.2023

For the State Respondents : Mrs. Sunita Agarwal,
Learned Advocate.

For the Added Respondents Mrs. Sudipta Biswas,
Learned Advocate.

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.

On consent of the learned counsels for the parties, the case is taken up for consideration sitting singly.

The prayer in this application is for a direction to the respondent authorities to disburse the terminal benefits including Death Gratuity, G.P.F., Leave Encashment, GISS, arrears of salary and Family Pension to the applicant. Claiming to be the legally married wife of the deceased employee, the applicant has furnished a) EPIC Card, b) Aadhar Card, c) PAN Card.

Similar to such prayer, the applicant had also prayed for the terminal benefits by furnishing representations before the respondents. The respondent authority in their reply has mentioned that to verify the documents and her credentials as the legally married wife, the applicant was also advised to visit their office, but she failed to do so.

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Both Mrs. Agarwal, learned counsel for the respondent and Mrs. Biswas, learned counsel for the added respondent No. 7, Tripti Mahata submit that the claims made by the applicant is not based on facts. In fact as per service documents available with the respondents including the Nomination papers the name of wife is mentioned as Tripti Mahata. To substantiate further, the marriage certificate has also been enclosed.

In the reply filed by the state respondent, it has been clearly stated that Tripti Mahata being the wife of the deceased employee is eligible for receiving all the terminal benefits like Death Gratuity, G.P.F., Leave Encashment, G.I.S.S. etc.

Having heard the submissions of the learned counsels and perusing the records in this application, it is clear to this Tribunal that Tripti Mahata is the legally married wife and her names are seen in the Nomination papers of G.P.F., GISS, Death Gratuity etc. filled up by the deceased employee. On marriage certificate issued on 20.12.1991, also the name of Tripti Mahata has been recorded as wife. It appears that during the subsistence of the first marriage with Tripti Mahata, the deceased employee had married the applicant Pramila Mahata.

From the above observations based on the submissions and the documents, the Tribunal has come to a conclusion that Tripti Mahata is the legally married wife of the deceased employee Nayan Mahata and since her name features in all the Nomination papers signed and filed by the deceased employee, Tripti Mahata is the only recipient of all the

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terminal death benefits of the deceased employee, Nayan Mahata. As regards claim of the Pramila Mahata, the Tribunal does not find any satisfactory and substantive documents to establish her claim. Therefore, Respondent No. 2, D.F.O., Midnapore Division is directed to process and release the terminal benefits to **Smt. Tripti Mahata** within a period of three months from the date of communication of this order and communicate the same to Tripti Mahata within a period of two weeks thereof.

Accordingly the application is disposed of.

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

SC