

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 277 of 2023**

**Barun Mondal & Anr. - Vs - The State of West Bengal & Ors.**

Serial No. and  
Date of order

5  
07.03.2025

For the Applicant	:	Mr. Sankha Ghosh, Learned Advocate.
For the State Respondents	:	Mrs. Saswati Bandyopadhyay Learned Advocate
For the Pr. A.G.W.B.	:	Mr. Biswanath Mitra, Departmental Representative

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.

The applicants, Barun Mondal and Tapasi Mondal, being siblings from the same parents, late Tarun Kumar Mondal and late Jogamaya Mondal have prayed for a direction to the authorities to grant and disburse the terminal benefits of their deceased father. The deceased father, Tarun Kumar Mondal had died-in-harness on 31.07.2011 as a Police Constable under the Superintendent of Police, Barasat Police District. Despite submission of all the relevant documents and prayers, such terminal benefits have not been sanctioned yet by the respondent authorities. The applicants jointly had furnished a representation before the respondent authorities including the respondent no. 3, the Superintendent of Police, North 24-Parganas.

Enquired as to why such delay has occurred in responding to the prayers of the applicants, Mr. G.P. Banerjee, learned counsel for the State respondent submits that while the matter was being processed on behalf of these applicants, one lady, Kajal Mondal also filed a claim for the same benefits with the office of the Superintendent of Police, Barasat Police District by claiming to be the wife of the deceased employee, Tarun Kumar Mondal. However, after preliminary enquiry, it was found that the documents, particularly, the 1<sup>st</sup> and 2<sup>nd</sup> page of the Service Book submitted by this lady appeared to be fake. Further, she was asked to appear for further hearing but

she did not appear. In order to further enquire into the genuineness of her claim, the I/C, Noapara P.S. enquired into her claim of being the wife. After such an enquiry, it was found that Kajal Mondal is not the legal wife of the deceased, Tarun Kumar Mondal.

In view of such findings, the respondent authorities lodged an FIR with the Barasat Police Station and, subsequently, the charge-sheet was also filed before the Learned Barasat Court on 26.05.2022. The same memo also informs that at that point of time Kajal Mondal was on bail and the subsequent date of appearance was on 15.07.2023. Since such a criminal case was pending against one of the claimants, therefore, the respondent authority had not released the pensionary benefits to the applicants of this application at that stage. Submission of the learned counsels for the respondent was that such release of pensionary benefits to the applicants, if they were bona fide was established, could be released only after the criminal case against Kajal Mondal was concluded.

It is a fact that one Kajal Mondal claimed to be the wife of the deceased employee had also prayed for the terminal benefits of the deceased employee, Shri Tapan Kumar Mondal. The investigation to her claim found that she was not the legal wife of the deceased employee and some of the documents she presented were doubtful in nature. The report of the Superintendent of Police clears the cloud that the claim of Kajal Mondal has no basis and it was an act of impersonation. The report also refers to a criminal case filed against her. In view of such statement, the Tribunal is not satisfied that prayer of the applicants for release of their terminal benefits can be considered only after conclusion of such criminal case.

It is also in records that one Sandhya Mondal had married the deceased employee on 19.11.2007. Although Sandhya Mondal was divorced on 24.11.2010, but it is equally important to find whether the deceased employee with his marriage to Sandhya Mondal has any children. If such legal heirs are present, then the question of granting terminal benefits to these children will also have to be taken into consideration. Therefore, from the above

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observations, the Tribunal directs the respondent No.3, the Superintendent of Police, North 24 Parganas Police District to cause an enquiry to find out if there are any legal heirs of the deceased employee, Tarun Mondal, Ex-Constable with his marriage with Sandhya Mondal. If after such an enquiry, it is established that there are no legal heirs, then the respondent authority shall proceed with sanction of terminal benefits to the applicants within 3 months from the conclusion of such enquiry.

The application is disposed of.

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

SCN.