

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson & Member (A)

Case No. – OA 277 of 2023

Barun Mondal & Another -- VERSUS – The State of West Bengal & Ors.

Serial No. and Date of order	For the Applicants	: Mr. S. Ghosh, Ld. Advocate.
	For the State respondent	: Mr. G.P. Banerjee, Ld. Advocate. Mrs. S. Bandyopadhyay, Ld. Advocate.
<u>02</u> 22.09.2023	For the Pr.AG (A&E), WB	: Mr. B. Mitra, Depttl. Rep.

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 contesting parties, the case is taken up for consideration sitting singly.

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 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, Barasat Police District.

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 1st and 2nd 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

Form No.

Vs.

Case No. **OA 277 of 2023**

The State of West Bengal & Ors.

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 Ld. Barasat Court on 26.05.2022. This same memo also informs that Kajal Mondal is presently on bail and the next date of appearance is on 15.07.2023. Since such a criminal case is pending against one of the claimants, therefore, the respondent authority has not released the pensionary benefits to the applicants of this application at this stage. Submission of the learned counsels for the respondent is that such release of pensionary benefits to the applicants, if their are bona fide is established can be released only after the criminal case against Kajal Mondal is concluded.

Let the legal counsel for the State respondents file a report about the status of the criminal case pending in the Ld. Barasat Court on the next date.

The matter is admitted.

Let the matter appear under the heading “**Hearing**” on **11.01.2024**.

Reply and rejoinder, if any, in the meantime.

SAYEED AHMED BABA
Officiating Chairperson & Member (A)

SS/SM