

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 291 of 2021

Sabita Singh -- **VERSUS** – The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicant : Mr. K.K. Chakraborty, Ld. Advocate.
Ms. S. Das, Ld. Advocate.
For the State respondent : Mr. S.N. Ray, Ld. Advocate.

12
23.03.2023

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 prayer in this application is for compassionate appointment, retiral benefits and family pension. Since there was a marital discord between the applicant and her husband Nanda Kishore Singh, the nominee in the Service Book was in the name of Alina Singh, the mother of the deceased employee. By an order of the Court, the applicant was receiving maintenance allowance of Rs.5,000/-. The deceased employee died on 27.08.2020. Later, Alina Singh, the mother also died on 29.04.2021. The applicant submitted several representations before the respondent, Executive Engineer, Central Dealing Division, Public Health Engineering Directorate for adding her name as a nominee for family pension and compassionate employment. In response, the respondent, Executive Engineer asked the applicant to submit relevant documents to substantiate her claim as the legal wife to the deceased employee and also produce Succession Certificate. From the said letter, it is also noted that another woman has also claimed to be the wife of the deceased employee. However, such a person has not been added in this application as a private respondent.

Appearing on behalf of the State respondents, Mr. S.N. Ray, learned counsel informs that one Susanna Malto was nominated by the deceased employee as wife for GPF, Group Insurance and Death Gratuity. Mr. Ray submits copies of the above nomination papers in favour of another wife, Susanna Malto.

From the submission of Mr. Ray and the copies of these documents, it is evident that the deceased employee had another wife, Susanna Malto, in whose name the retiral benefits were recorded. Such nomination papers were submitted by the Driller-in-Charge before the Executive Engineer, Bolpur Mechanical

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Division on 04.12.2015 through a forwarding letter. So far the sanction of family pension is concerned, the Executive Engineer has asked both Sabita Singh, the applicant and Susanna Malto, to submit Succession Certificate as wife of Late Nanda Kishore Singh.

Learned counsel for the applicant has submitted copy of EPIC and Aadhaar Card showing Nanda Kishore Singh as husband.

It appears from the submissions of the learned counsels and the records that the deceased employee, Nanda Kishore Singh had two wives viz. Sabita Singh, the applicant and Susanna Malto which are supported by the documents. In the name of Susanna Malto a copy of Deed of Marriage affirmed before a Notary in District Sahebganj, Jharkhand has also been submitted. Since both have become claimants for family pension and compassionate employment, Succession Certificate from the appropriate Court has been asked for.

In my opinion, it is the jurisdiction of another Court to decide who would be the legal heir to receive these two Government benefits. Since the responded has already asked the applicant to submit the Succession Certificate, let it be submitted by the applicant before the respondent, who will consider and pass a reasoned order.

Accordingly, the application is **disposed of.**

SAYEED AHMED BABA
Officiating Chairperson & Member (A)

CSM/SS