

ORDER SHEET

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman

Case No. – OA 299 OF 2021

**PIJUSH KANTI BISWAS - VERSUS - THE STATE OF WEST BENGAL & ORS.**

Serial No. and  
Date of order

06  
08.06.2022

For the Applicant : Mr. Debabrata Mondal  
Advocate

For the State respondents : Mrs. Sunita Agarwal  
Advocate

For the Principal Accountant General (A&E) West Bengal : Mr. Biswanath Mitra  
(Departmental Representative)

The matter is taken up by the single Bench pursuant to the order contained in the Notification No. 118-WBAT/1E-08/2003 (Pt.-II) dated 11<sup>th</sup> February, 2022 issued in exercise of the powers conferred under section 6 (5) of the Administrative Tribunals Act, 1985.

Affidavit of service filed today be kept on record.

Since despite service of notice, none appears on behalf of the State respondents, Mrs. S. Agarwal, learned advocate who normally appears on behalf of the State respondents is requested to appear in this matter. Let a copy of the original application be furnished by Mr. Debabrata Mondal, learned advocate on record for the applicant to Mrs. Agarwal, which is furnished. The Legal Remembrancer, West Bengal is directed to regularise the appointment of Mrs. Agarwal.

In this application, Pijush Kanti Biswas, the applicant has prayed for several reliefs, the relevant portion of which is as under :

*“ a) An order directing the respondents to issue Family Pension Payment Order (FPPO) immediately and to release regular family pension in every month in favour of the petitioner and further direct the respondents to release arrear family*

Vs.

Case No. : OA 299 OF 2021

THE STATE OF WEST BENGAL & ORS.

*pension lying with the office of the respondents from the date of death of the petitioner's father to till the date of actual disbursement of monthly family pension along with 18 % interest.*

*b) An order directing the respondents, their agents, subordinates and successors to produce all records and proceedings so that conscionable justice may be administered by granting the relief as hereinabove;*

It appears that the father of the applicant, Brindaban Chandra Biswas, was an employee in the department of Home, Government of West Bengal and was working as Block Development Officer. He superannuated on 31<sup>st</sup> December, 1974 while discharging his duties at Bharatpur-I Block Development Office in the district of Murshidabad. After superannuation, the father of the petitioner received the Pension Payment Order and was drawing pension. The father of the petitioner expired on 8<sup>th</sup> November, 2011 leaving behind five legal heirs including the applicant having 80 % disability. It is to be noted that Mahamaya Biswas, the mother of the applicant expired on 18<sup>th</sup> November, 1999. According to the applicant he is the only claimant for the family pension. It appears that the applicant on 27<sup>th</sup> September, 2012 filed an application before the Block Development Officer, Bharatpur-I, Murshidabad praying for family pension which ultimately, as it appears from the application, was sent to the Secretary, Finance Department (Pension Branch). Referring to the memo. dated 17<sup>th</sup> January, 2017 issued by the Block Development officer Bharatpur-I , Murshidabad addressed to the Secretary, Finance Department (Pension Branch) Nabanna, Howrah, being Annexure-H to the application, Mr. Debabrata Mondal, learned advocate for the applicant submits since the matter is pending before the Secretary, Finance Department (Pension Branch), the

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Form No.

**PIJUSH KANTI BISWAS**

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**Vs.**

Case No. : **OA 299 OF 2021**

**THE STATE OF WEST BENGAL & ORS.**

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respondent no.2 appropriate order may be passed for release of family pension.

Mrs.S.Agarwal, learned advocate submits, if directed, the respondent no. 2 shall consider the matter in accordance with law.

Mr.B.Mitra, the Departmental Representative appearing for the Principal Accountant General (A&E) West Bengal adopts the submission of Mrs. Agarwal.

Having heard the learned advocates for the parties and the departmental representative, the application is disposed of by directing the Secretary, Finance Department (Pension Branch) Nabanna, Howrah, the respondent no.2 to consider the application of the applicant, who is 80 % disabled, for family pension and shall pass a reasoned order to be communicated to the applicant within fifteen weeks from the date of presentation of a copy of this order downloaded from the website of the Tribunal, after making necessary enquiry and after receiving no objection certificate from the other heirs of the applicant, if necessary. If it is found that the applicant is entitled to family pension, same shall be released in accordance with law to the applicant within fifteen weeks on compliance of formalities.

BLR

(SOUMITRA PAL)  
CHAIRMAN