

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

Mr. Sayeed Ahmed Baba, Officiating Chairperson and Hon'ble Member (A).

Case No. – OA 317 of 2021.

SANJAY KUMAR SAHA - VERSUS- THE STATE OF WEST BENGAL & ORS.

Serial No. and
Date of order

07
02.04.2024

For the Applicants : Mr. M. Karim,
Learned Advocate.

For the State Respondents : Mr. S. Ghosh,
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 counsel for the contesting parties, the case is taken up for consideration sitting singly.

The applicant has prayed for a directin to the respondent to consider and release the death benefits of his father who was a government employee and died in harness. The applicant's father was an employee working as W.T.A. and died in harness on 04.07.1983. Later in the year 2015, the applicant made a representation before the concerned B.D.O. praying for the death benefits. Similar representations were submitted before other relevant respondents from time to time. However, despite such submissions, no action has been taken for releasing the death benefits in favour of the applicant.

Mr. Karim has filed supplementary affidavit in which few relevant documents are enclosed supporting the claim of the applicant that his father was an employee of WR & DD in the establishment of BDO, Karimpur-I, Nadia. One of the documents is from Collector, Nadia declaring the applicant Sanjay Kumar Saha, son of Rohini Kumar Saha, the deceased operator. It also appears from a memo 168 dated 21.8.2015 from the Assistant Engineer (AI), Karimpur (A-I) Sub-Division, Karimpur, Nadia addressed to the Executive Engineer (A-I) Krishnanagar-I (A-I) Division,

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Krishnanagar, Nadia that the BDO, Karimpur-I Dev. Block could not furnish any relevant documents of the deceased employee, except a photo copy of transfer letter. Save and except these documents, no other relevant documents appears to be available with the applicant as well as with the respondent authorities, which would enable the respondent authorities to sanction the death benefits to the legal heirs. It is not in dispute that Rohini Kumar Saha was an employee working as an operator in the WR & DD under the supervision of BDO, Karimpur-I Development Block. None of the relevant documents which are required to process the release of death benefits has been made available for the reason that the employee had expired long time ago in 1983.

Having heard the submissions and considering the facts and circumstances of this case, this application is disposed of by directing the Block Development Officer, Karimpur Block-I, The Assistant Engineer(A-1), Karimpur and the Executive Engineer (A-1), Krishnagar (A-1) Division – the respondent authorities 5,6 and 7 respectively to make serious and sincere efforts to trace out the relevant documents like his service book, pay slip of the last pay dawn, nomination papers and other such relevant documents from their offices. The respondent authorities may also consider reconstruction of such service documents, if feasible, so that the legitimate right of the applicant as legal heir of the deceased employee can be granted. The respondent no. 7 - Executive Engineer (A-1), Krishnagar (A-1) Division is advised to supervise this task and coordinate closely with the respondent nos. 5 and 6.

(SAYEED AHMED BABA)
Officiating Chairperson and Member (A).

Skg.