

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 386 of 2022

Sufia Begam -- VERSUS – The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicant : Mr. S.K. Mitra,

Ld. Advocate.

For the State respondent : Mr. G.P. Banerjee,

Ld. Advocate.

05
01.12.2022

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.

In compliance with the Hon'ble High Court's order in WPST 68 of 2020, the respondent, Principal Secretary, Finance Department passed a reasoned order on 15.02.2022 rejecting the application for sanction of pension in favour of the applicant, Sufia Begam after giving several reasons.

It appears that after the death of Sirajul Haque, Ex-Constable, Murshidabad, the family pension was sanctioned in favour of Samirul Haque, son from the second wife, Sufia Begam, the applicant. Later, when Samirul Haque attained the age of 25 years, the pension was stopped. After this, the mother, Sufia Begam applied for sanction of pension in her favour.

In support of the respondent's decision, Mr. Banerjee, learned advocate for the State respondent points out the following : Firstly, the deceased employee Sirajul Haque did not take permission, as per Service Rules, to marry a second time even when the first wife was alive. Secondly, when the applicant, Sufia Begam knew that her son, Samirul Haque was sanctioned the pension, she did not utter any objection even knowing very well that her son when he attains the majority, will lose the pensionary benefits.

Mr. S.K. Mitra, learned counsel for the applicant submits that the reasoned order passed by the respondents rejecting the application for sanction of pension in favour of the applicant is contrary to what the Hon'ble High Court had directed. Mr. Mitra prays for quashing the reasoned order with a direction to the respondent to sanction family pension in favour of the

Form No.

Case No. **OA 386 of 2022.**

Vs.

The State of West Bengal & Ors.

applicant.

Having heard the submissions of the learned counsels for the parties and perusing the records, in particular the order of Hon'ble High Court in WPST 68 of 2020, I am of the view that nowhere in the order was there any clear and specific direction upon the respondent to sanction family pension to the applicant. However, the Hon'ble High Court has touched upon the possible deterioration of family's economic condition after the pension to the son is stopped. The Hon'ble High Court also asked the respondent to **"sympathetically take a holistic view"** to the respondent while passing the reasoned order. Today, the son has attained the age of 25 years and as a young man possesses capabilities to earn his own livelihood and not be dependent on family pension arising out of his father's service. It is also learnt that the applicant, Sufia Begam was earlier served as a Home Guard. In my view, unless the Pension Rules are modified to accommodate the mother to receive family pension after the termination of family pension to her son, the respondent is not in a position to sanction another family pension to the applicant.

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

SAYEED AHMED BABA
Officiating Chairperson & Member (A)

CSM/SS