

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 388 of 2022.

RIMA NECHHA & ANR – VS- THE STATE OF WEST BENGAL & ORS.

Serial No. and
Date of order

07
09.8.2023

For the Applicants : Ms. S. Saha,
Advocate.

For the State Respondent No. 6 : Mr. S. Ghosh,
Advocate.

For the Respondent Nos. 1,2,3,4 & 7 : Mr. R.K. Mondal,
Advocate.

For the respondent No. 9 : Mr. J. Hossain,
Advocate.

For the Principal Accountant General (A & E) W.B. : Mr. B. Mitra,
Departmental representative.

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 direction to the respondent authorities to sanction and release the Gratuity amount and pensionary benefits of the deceased employee, Sajid Uddin Shah. From the submissions of the learned counsels, it appears that the deceased employee had nominated his wife Selima Khatun in the nomination papers as per arrears of Pension (Nomination Rules), 1986. It appears that the two applicants in this application are the son and daughter from the first marriage of the deceased employee, who had expired in 2006. The marriage with Salima Khatun was solemnised after the death of the first wife in 2007.

Submission of Mr. B. Mitra, the learned departmental representative of the office of the Principal Accountant General (A & E) W.B. is that the arrears of gratuity after the pay was revised as per ROPA Rules and already authorised for

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payment by the respondent's office.

Appearing on behalf of the State respondents, Mr. S. Ghosh submits that the amount as authorised was sanctioned and disbursed in accordance with the nomination as filled up by the deceased employee in the nomination paper. It is true that as per the DCRB Rules, 1971, the two applicants as the legal heirs of the deceased employee are also entitled to receive the apportioned amount. However, such claim should be filed before the appropriate forum, which has the determination to decide legal heir as well as apportionment of such amount to the applicants.

Mr. J. Hossain, learned counsel appearing on behalf of the respondent no. 9 also agrees that such a claim can be filed before an appropriate forum. On being asked, whether the respondent no. 9 being the mother of the two applicants, willing to share the balance gratuity amount among the applicants. In response Mr. Hossain is affirmative and submits that the respondent no. 9 is willing to apportion the amount among herself and the two applicants.

Since it appears that this Tribunal has no jurisdiction in this matter and since as per the statement of Mr. Hossain, learned counsel for the respondent no. 9 this dispute can be easily resolved within the family amicably, the Tribunal disposes of the application without passing any orders.

Sk.

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