

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

THE HON'BLE SAYEED AHMED BABA, OFFICIATING CHAIRPERSON AND ADMINISTRATIVE MEMBER,

Case No. – OA 39 of 2022

SHAILABALA MONDAL - Vs - THE STATE OF WEST BENGAL & OTHERS.

Serial No. and
Date of order

For the Applicant : Mr.A.Sinha
Advocate

05

19.05.2023

For the State Respondents : Mrs.Sonali Mitra
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 counsels for the contesting parties, the case is taken up for consideration sitting singly.

“Mrs.S.Mitra, learned advocate appearing on behalf of the respondent submits that the applicant’s husband was a work charged employee and had served only 7 (seven) years 1 (one) month and 22 (twenty two) days, therefore, he was not entitled for pension. Thus, the question of family pension to the applicant does not arise. It is also submitted that since this is a pension matter, the Principal Accountant General (A&E), W.B. has not been added as a party.”

It was also submitted on the last date that since this is a pension matter, the Principal Accountant General (A&E) West Bengal be added a party. Despite such direction, the applicant has not added the Principal Accountant General as a party.

After hearing the submissions of the learned counsels, the Tribunal has observed the following issues:

- (i) That the applicant has not been able to establish through submission of records that the deceased employee was a Government employee working under regular establishment. As

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per the documents in this application, it appears that the deceased employee was a “Seasonal Beldar” (Work charge) who was engaged on purely temporary basis.

(ii) Although the deceased employee died on 30.06.2010, but this application for family pension was filed by the widow, the applicant, Shailabala Mondal only in the year 2022. Thus, considering the point of limitation, this application does not qualify to be admitted.

(iii) It also appears from Memo. No. 388 dated 07.04.2004 issued by the Accountant General (A&E) West Bengal that the deceased employee was a contributor to the Contributory Provident Fund and General Provident Fund. The same Memo. also has noted that the qualifying service comes to only 7 years 1 month and 22 days.

Since, the above observations relating to the deceased employee have not been controverted by the applicant, the Tribunal is of the view that this application is not admissible for the reasons as given above.

Therefore, the Tribunal does not find any merit in this application and dispose of this application without passing any orders.

Accordingly, the application is disposed of.

BLR

(SAYEED AHMED BABA)
OFFICIATING CHAIRPERSON AND MEMBER (A)