

ORDER SHEET

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 - 411 of 2024

Aloka Roy - Vs - The State of West Bengal & Ors.

Serial No. and
Date of order

02
03.10.2024

For the Applicant : Mr. M. N. Roy,
Mrs. Priya Sasmal,
Learned Advocates.

For the State Respondents : Ms. R. Sarkar,
No.1 Mr. R. Bag,
Mr. S. Deb Roy,
Learned Departmental Representatives.

For the Respondent No. 2 & : Mr. Shaon Bhattacharya,
3 Learned Advocate.

For the Pr. A.G.W.B. Mr. B. Mitra.

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.

Mr. Roy, learned counsel has submitted that the matter relating to family pension and other retiral benefits of the deceased employee was settled in a Decree No. OS-20 of 2020 in the Ld. Court of Civil Judge (Junior Division), Additional Court, Raiganj, Uttar Dinajpur dated 10.08.2022. Copy of the order has been included in this application. By this decree of Sulelama, a compromised petition under Rule 3 Section 151 of CPC was signed by both the contesting parties. By this Sulenama the parties agreed to the following :-

1. The applicant Aloka Roy daughter of Motilal Roy would receive the family pension.
2. Other retiral benefits be divided in equal shares among all the legal heirs except the applicant, Aloka Roy, daughter of Motilal Roy.
3. Regarding the application for employment under compassionate ground, the applicant Aloka Roy daughter of Motilal Roy has agreed not to apply either for herself

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THE STATE OF WEST BENGAL & OTHERS.

or for her minor daughter Anindita Roy.

Mr. B. Mitra, learned departmental representative of Principal Accountant General has referred to a Memo dated 30.10.2023 and 01.04.2024 by which certain clarifications were asked from the Senior Deputy Collector, Uttar Dinajpur. These clarifications related to the sanctity of the second marriage and the rules by which these retiral benefits can be given and the rules relating to entitlement of death gratuity has been mentioned.

From the submissions of the learned counsels and records it appears that the compromised petition Sulenama in which the District Magistrate was also a party was not brought to the notice of Principal Accountant General. Therefore, the Tribunal directs Respondent No. 2, District Magistrate and Collector, Uttar Dinajpur to respond to the clarifications sought by the Principal Accountant General in its letter dated 30.10.2023 and 01.04.2024 and mention the fact of such a compromised petition signed by all the sides in the Sulenama for examination.

The matter is admitted.

This Tribunal has been functioning with just one Administrative Member for the last two years. Appreciating such serious constraints faced by the Tribunal, the learned counsels Mr. M.N. Roy, Mr. Shaon Bhattacharya, Ms. R. Sarkar and Mr. Mitra, representing all the sides have no objection if this matter is heard on 24.02.2025.

Let the matter appear under the heading **Hearing on 24.02.2025.**

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

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