

**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 412 OF 2022**

**AYESHA SULTANA - Vs - THE STATE OF WEST BENGAL & OTHERS.**

Serial No. and  
Date of order

08  
07.02.2024

For the Applicant : Mr.G.S.Kaderi  
Advocate

For the State Respondents : Mrs.Sunita Agarwal  
Advocate

For the Principal Accountant : Mr.Biswanath Mitra  
General (A&E) West Bengal (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 23<sup>rd</sup> 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 and the learned Departmental Representatives for the contesting parties, the case is taken up for consideration sitting singly.

The applicant had married Md. Safiuddin, a Constable under the West Bengal Police and such marriage was registered with the Kazi by serial No. 62/2011 dated 08.05.2012. The couple have a son named Md. Sahil, 10 years old. As per her statement in the application, though she was the wife, later she came to know her husband had contracted another marriage and with that marriage two sons and daughter were borne. After the death of her husband on 25.05.2021, she faced financial hardship and submitted a representation praying for compassionate employment, family pension and other terminal benefits before the respondent authorities. On receipt of such an application, the respondent authority being the Superintendent of Police, Purba Badhaman directed the O/C Salar PS, Murshidabad to advise the applicant to submit all relevant documents on 11.11.2021.

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Responding on behalf of the respondent authorities, Mrs.S.Agarwal refers to the relevant part of the reply and submits that such a family pension is not admissible, since the legal heirs of the deceased are already receiving military family pension.

After hearing the submissions of the learned counsels, the Tribunal finds that the present applicant, Ayesha Sultana, is the second wife of the deceased employee. It is also clear that a family in receipt of military family pension cannot be recipient of civil family pension at the same time. The extant rule was also communicated to the applicant on 04.07.2022. Therefore, the prayer for family pension is not admissible in view of the fact that the legal heirs of the deceased employee are already in receipt of military family pension.

Accordingly, the application is disposed of without passing any orders.

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

BLR