

ORDER SHEET
WEST BENGAL ADMINISTRATIVE TRIBUNAL
Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present : **HON'BLE JUSTICE SOUMITRA PAL,** **HON'BLE CHAIRMAN.**

Case No. – OA 415 of 2022.
MISS RIMA BHOWMICK -Versus- THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	: Mr. M.N. Roy, Mr. G. Halder, Advocates.
<u>3</u> 10.8.2022	For the State Respondents	: Mr. G.P. Banerjee, Advocate.
	For the Principal Accountant General (A & E) West Bengal	: Mr. B. Mitra, Departmental representative.

The matter is taken up by the single Bench pursuant to the order contained in the Notification No. 496-WBAT/1E-08/2003 (Pt.-II) dated 4th August, 2022 issued in exercise of the powers conferred under section 6 (5) of the Administrative Tribunals Act, 1985.

As prayed for by Mr. M.N. Roy, learned advocate for the applicant, leave granted to add the Senior Staff Officer, Home Guard Organisation, West Bengal in the rank of DIGP & additional charge of Border Wing, Home Guard Bn. West Bengal, National Volunteers Force, as an added respondent by amending the cause title of the application in course of this day.

At the very outset it is submitted by Mr. Roy that he is not pressing prayer 8(b) of the application as it is not permissible to agitate multiple causes of action in view of rule 10 of the West Bengal Administrative Tribunal (Procedure) Rules, 1994 and craves leave to move the application independently on the said prayer, if so advised.

The prayer of Mr. Roy is allowed. Leave granted.

In the application Rima Bhowmick, stated to be the unmarried daughter of late Paban Kumar Bhowmick and late Maya Bhowmick, has prayed for certain reliefs, the relevant portion of which is as under :-

(a) "...An order do issue directing the concerned respondent authorities to forthwith disburse the arrear family pension from 17.08.2019 and regular family pension in favour of the applicant herein being the

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unmarried daughter of the deceased employee in accordance with law and within a stipulated time period taking into account the provisions of Memorandum No. 138-F(PEN) Kolkata, the 03rd March 2008, issued by the Finance Department and Rule 104A of West Bengal Services (Death-cum-Retirement Benefits) Rules, 1971.

(c) *An order do issue directing the respondent authorities to pay statutory bank interest @ 6% per annum on the arrear amount, till the actual date of receiving the same... ”.*

It appears that Paban Kumar Bhowmick, was a constable of 74 Border Wing Home Guard for performing Assembly Election duty in November, 2008 at Chhattisgarh, Madhya Pradesh and Rajasthan. It appears from the report of Superintendent of Police, Nadia dated 30th June, 2009 that Paban Kumar Bhowmick unfortunately expired on 3rd December, 2008. After his death, family pension order was issued by the Office of the Principal Accountant General (A & E) West Bengal, the respondent no. 4 in favour of his wife with effect from 4th December, 2008.

It has been stated in the application that being unmarried daughter of late Paban Kumar Bhowmick, the applicant was totally dependent upon him and after his demise she was dependent upon her mother, who was drawing family pension. Unfortunately, the mother of the applicant expired on 16th August, 2019 leaving behind the applicant along with two unmarried brothers and two married sisters as legal heirs and successors.

It appears subsequently she made an application for family pension as evident from the memo dated 25th August, 2021 issued by the SSO, HGO, WB.

It is submitted by Mr. Roy as the applicant is in financial distress, appropriate order may be passed for grant of arrear family pension from 17th August, 2019, that is when the mother of the applicant expired, along with interest and regular family pension.

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Mr. G.P. Banerjee, learned advocate appearing on behalf of the State respondents submits on instruction that after the application for family pension was filed, the authorities by letter dated 2nd August, 2022 had requested the applicant to appear for hearing. On 5th August, 2022, the applicant appeared at the hearing and she is yet to comply with certain stipulations as per memo dated 12th November, 2008 and 20th September, 2010. If the applicant complies with the formalities as contained in the memo dated 12th November, 2008 and 20th September, 2010. appropriate direction will be issued for grant of family pension in accordance with law and after necessary enquiry. Let a copy of the intimation filed by Mr. Banerjee on behalf of the State respondents be kept on record.

Heard Mr. B. Mitra, the departmental representative for the Principal Accountant General (A & E) West Bengal, - the respondent no.4.

Having heard the learned advocates for the parties and in view of the submission made on behalf of the State respondents, as the matter has been heard by the State respondents, considering such fact, the application is disposed of by directing the Senior Staff Officer, Home Guard Organisation, West Bengal in the rank of DIGP & additional charge of Border Wing, Home Guard Br. West Bengal, National Volunteers Force, - the added respondent to dispose of the matter regarding grant of family pension to the applicant within a period of fifteen weeks from the date of presentation of a copy of this order downloaded from the website of the Tribunal after verifying the records and after making proper enquiry. It is also made clear that the applicant should cooperate in the matter regarding grant of family pension to her and shall comply with stipulations contained in the memo dated 12th November, 2008 and 20th September, 2010. The said added respondent shall also deal with and pass a reasoned order separately regarding arrear family pension if any, along with interest within the said period.

Sk.

(SOUMITRA PAL)
CHAIRMAN.

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