

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 43 OF 2023

SMT. ASHA ROY - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	:	Miss. Tulika Bhattacharyya, Advocate
	For the State Respondents	:	Mrs. Sunita Agarwal, Advocate
<u>3</u> 12.05.2023	For the Private respondent No.6	:	Mr. Gautam Pathak Banerjee, Advocate
	For the Principal Accountant General (A&E), West Bengal	:	Mr. Biswanath 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 counsels for the parties, the case is taken up for consideration sitting singly.

It appears that the applicant had married the deceased employee in a social marriage solemnised in early 90's. Though the marriage was not registered, however, later due to marital discord beginning from 2012, the applicant lodged a case against the deceased employee under Sections 498A of IPC and 20 of the Domestic Violence cases. By an order of the learned ACJM, Bidhannagar a sum of Rs.3,500/- was directed to be paid on monthly basis to the applicant. In the meantime, the deceased employee nominated name of another woman as nominee in his papers for family pension. After the death of the deceased employee, on 30.09.2021, the family pension and other retiral benefits of the deceased employee were issued in favour of the private respondent No.6, Parul Roy.

The applicant had furnished a prayer before the respondent authority, the Executive Engineer, Survey Division, P.H.E. directorate, which was responded on 23.11.2022, relevant portion of which is as under:

“After careful scrutiny of the available office records of Sri Arabinda Roy, Ex-Duplicating Operator (who was retired from Government service on superannuation on 31/03/2011, Afternoon),

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it is to inform that only the name of Smt. Parul Roy, his only legal wedded wife is recorded as a nominee in the Service Book etc. of Sri Arbinda Roy, Ex-Duplicating Operator along with other allied official documents found thereafter and necessary family pension is considered accordingly as per Government rules in vogue.”

It also appears from page 17 of the application that the Sr. Accounts Officer, office of the Principal Accountant General (A&E), West Bengal, had issued an admissibility report in which the name of Parul Roy has been mentioned as recipient of family pension following the death of Arabinda Roy, the deceased employee.

Governing the Rules of family pension, the definition of family has been defined at Rule 7(e)1 of the Death-cum-Retiral Benefits) Rules, 1971 which is as under:

“Rule 7(e)1: in which family includes, besides others,

(i) wife in the case of male officer.”

Let the matter appear on 31.08.2023 under the heading “For Orders”.

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

SCN.