

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 437 of 2022.

KUMKUM CHOWDHURY -Versus- THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	: Mrs. S. Mitra, Advocate.
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<u>3</u> 16.8.2022	For the State Respondents	: Mrs. S. Bandyopadhyay, Advocate.
	For the Principal Accountant General (A & E) W.B.	: 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.

It appears that by order dated 29th July, 2022, as despite notice none had appeared on behalf of the State respondents, Ms. S. Bandyopadhyay, learned advocate, who normally represents State authorities, was requested by the learned Registrar to appear on behalf of the State respondents and had appeared on behalf of the State respondents. Today also Mrs. S. Bandyopadhyay appears on behalf of the State respondents. The learned Legal Remembrancer, West Bengal is directed to regularise the appointment of Mrs. Bandyopadhyay.

In the application Kumkum Chowdhury, the applicant has prayed for several reliefs, the relevant portion of which is as under :-

“i)To direct the respondents and each of them for disbursement of family pension, arrear pension, gratuity, provident fund and all other terminal benefits of the deceased employee alongwith interest 18% per annum and delayed for delayed payment from the date of retirement till the actual disbursement....”.

It appears that Niranjan Kumar Chowdhury, the husband of the applicant was working under the Cooperative Directorate, Government of West Bengal in the office of Assistant Registrar of Co-operative Societies, -

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the respondent no. 3 at Coochbehar. The husband of the applicant superannuated on 30th September, 1997 and expired on 26th January, 2020 leaving behind her widow, that is the applicant, an unmarried daughter and one son. The pensionary benefits and terminal benefits were not disbursed to him as a criminal case was pending against him. The husband of the applicant filed an application being OA 5558 of 1999 praying for disbursement of superannuation benefits and provisional pension. The Tribunal by order dated 22nd September, 2000 directed the State respondents to release provisional pension. Accordingly, provisional pension of Rs. 1247/- was released for the period from 1st January, 1997 to 30th September, 1997 and thereafter no sum has been released. It appears that by judgement and order dated 30th November, 2011 passed in Special Case No. 01 of 2001 by the learned Judge Special- cum -Additional Sessions Judge, Coochbehar, the husband of the applicant was not found guilty and was acquitted. Aggrieved, the Coochbehar Samabay Himgarh Samity Limited filed appeal before the High Court, being CRA No. 114 of 2012. During pendency of the appeal, the husband of the applicant expired on 26th January, 2020 which was brought to the notice of the authority by the applicant by letter dated 4th August, 2020 highlighting her plight stating she was in financial distress.

It is submitted by Mrs. S. Mitra, learned advocate for the applicant since the applicant succeeded before the learned Trial Judge and nothing remains to be decided in the appeal due to the death of the husband of the applicant, appropriate orders as prayed for, may be passed.

Mrs. Bandyopadhyay, learned advocate for the State respondents submits that the State respondents are prepared to disburse the arrear pension, gratuity, provident fund and other terminal benefits in accordance with law at the earliest.

Mr. B.Mitra, the departmental representative for the Accounts Officer (Pension) in the office of Principal Accountant General, - the

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respondent no. 4, submits that if the documents are placed before the Principal Accountant General (A & E) West Bengal, it shall be processed at the earliest.

Having heard the learned advocates and the departmental representative, since the husband of the applicant was acquitted in the criminal case by order dated 30th November, 2011 and had expired during the pendency of the appeal, the application is disposed of by directing the Assistant Registrar, Co-operative Societies, Cooch Behar, - the respondent no. 3, to release the arrear pension, gratuity, provident fund and other terminal benefits of late Niranjana Kumar Chowdhury, the husband of the applicant, along with interest at the rate of five per cent per annum within fifteen weeks from the date of presentation of a copy of this order downloaded from the website of the Tribunal.

So far as the grant of family pension is concerned, it shall also be disbursed within the said period, on compliance of all formalities by the applicant, along with interest at the rate of five percent.

(SOUMITRA PAL)
CHAIRMAN.

Sk.

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