

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson & Member (A)

Case No. – OA 475 of 2022

Payel Ghosh & Another -- **VERSUS** – The State of West Bengal & Ors.

Serial No. and Date of order	For the Applicants	: Mr. S. Bhattacharjee, Ld. Advocate.
	For the State respondent	: Mrs. S. Agarwal, Ld. Advocate.
	For the Pvt. Respondent No. 5	: Mr. D. Kundu, Ld. Advocate.
<u>06</u> 01.03.2023	For the Pr.AG (A&E), WB	: Mr. B. Mitra, Depttl. Rep.

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 contesting parties, the case is taken up for consideration sitting singly.

Mr. S. Bhattacharjee, learned counsel for the applicants prays for liberty to file Supplementary Affidavit and also rejoinder to the replies earlier filed by the private respondent in which some relevant documents will be presented. Prayer is allowed.

The prayer in this application is for setting aside the impugned order passed by the District Magistrate & Collector, Howrah District on 24.03.2022 in terms of the Tribunal's order in OA 622 of 2021. In the reasoned order passed, the respondent rejected the claim of Swapna Ghosh (first wife) and ordered that Krishna Maity (Ghosh) is the legal heir and entitled for family pension and other retiral benefits. Submission of Mr. S. Bhattacharjee, learned counsel appearing on behalf of Payel Ghosh and others is that they are the daughters of Dipak Kumar Ghosh and Swapna Ghosh and thus, they are also entitled for family pension and retiral benefits as per prevalent Rules.

Mr. D. Kundu, learned counsel for the private respondent No. 5 and Mrs. S. Agarwal, learned counsel for the State respondents submit that if such a Supplementary Affidavit is filed, liberty may be given to them to file Supplementary Reply.

Let the matter appear under the heading "**For Orders**" on **16.06.2023**.

CSM/SS

SAYEED AHMED BABA
Officiating Chairperson & Member (A)