

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 490 of 2022

Kanak Mukhi & Another -- VERSUS – The State of West Bengal & Ors.

Serial No. and Date of order
06
03.07.2023

For the Applicants : Mrs. S. Agarwal, Ld. Advocate.
For the State respondent : Mr. D. Kole, Ld. Advocate.
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.

The prayer in this application is for a direction to the respondents to release the family pension and other pensionary benefits in favour of the applicant no. 2, Brishti Mukhi, the minor daughter of the deceased employee.

From the submissions of Mrs. Agarwal, it appears that Paresh Mukhi worked as a Sweeper of Jhargram Correctional Home, Jhargram and died-in-harness on 27.05.2022 at a very young age of 36 years. The deceased employee left behind his surviving mother, the applicant no. 1 and his daughter, the applicant no. 2 as his legal heirs and successors.

Moni Mukhi, the wife of Paresh Mukhi made a declaration on a Non Judicial Stamp Paper on 15.07.2021 that she has voluntarily left her matrimonial home permanently. On the same Non Judicial Stamp Paper she wants to forfeit and lay any claim of financial benefit which is accrued in the name of the husband. However, she has not mentioned anything about the family pension to be granted to her daughter. Further it also transpires from this declaration that there is one more daughter elder to the present applicant.

The Tribunal is of the opinion that this application based on such declaration on a Non Judicial Stamp Paper by the wife is not admissible in this Tribunal.

Therefore, this application is **disposed of** without orders.

SAYEED AHMED BABA
Officiating Chairperson & Member (A)

CSM/SS