

**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 499 of 2021**

**Jharna Das - VERSUS - THE STATE OF WEST BENGAL & ORS.**

Serial No. and Date of order	For the Applicant	: Mr. Debabrata Karan, Mr. Debopriyo Karan, Advocates.
<u>06</u> 13.12.2022	For Respondent No. 1	: Mr. S.N. Ray, Advocate.
	For Respondent Nos. 2 & 3	: Mr. G.P. Banerjee, Advocate.
	For the Pr. A.G.(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. 638-WBAT/2J-15/2016 (Pt.II) dated 23<sup>rd</sup> 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.

In this application, the applicant Jharna Das has prayed for directing the respondents to grant and disburse the family pension along with arrears. It appears from the record that the applicant's father was an employee of the Hooghly District Police and retired on 19.12.1972 and expired on 19.12.1996. After his death, family pension was sanctioned in favour of her mother Lakshmi Moni Das who also died later. The applicant submitted a representation to sanction and disburse the family pension as she is the unmarried daughter of the deceased employee.

In response, the respondent No. 2 informs the applicant on 07.01.2014 that the G.O.- 138-F dated 03.03.2008, does not cover the family pension of the unmarried daughter of old French Pensioner and inform that Finance Department has been requested to confirm whether such family pension to the unmarried daughter of old French Pensioner

**ORDER SHEET**

Form No.

**Jharna Das**

---

Case No. **OA 499 of 2021**

**Vs.**  
**THE STATE OF WEST BENGAL & ORS.**

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can be issued or not. Since there has been no response, the applicant prays for suitable direction so that family pension can be sanctioned and disbursed to her.

It appears from the records that S.P. Hooghly had submitted a proposal to the Principal A.G.(A&E), W.B. for issuance of family pension to the applicant attaching all relevant documents. The Office of the Principal A.G. informs the S.P. Hooghly that G.O. 138-F does not cover family pension of unmarried daughter of old French Pensioner. Therefore, the Finance Department has been requested to confirm whether any order in this respect has been issued or not.

The response from Finance Department is awaited and it appears that without Finance Department's response, further action in sanctioning and disbursement of family pension to the applicant cannot materialise.

It now finally appears that the matter has remained unresolved because the Tribunal has not been made aware of any decision taken by the Finance Department in this case. It seems that the Superintendent of Police, Hooghly on 07.01.2014 had informed the applicant that the matter has been referred to the Finance Department. However, neither in record nor in the submission, there is any indication that Finance Department had agreed/disagreed and disposed of the case. Although, the Finance Department has been made a party, but unless a new proposal is submitted by the respondents to the Finance Department, the views of Finance may not be available and also since the reference made by S.P. Hooghly to Finance Department was way back in the year 2014, chances of tracing that record may be futile. Therefore, it necessary that the Finance Department is moved again with a fresh proposal and seek its concurrence.

**ORDER SHEET**

Form No.

**Jharna Das**

---

Case No. **OA 499 of 2021**

**Vs.**

**THE STATE OF WEST BENGAL & ORS.**

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In view of the above, I direct the respondent No. 2(ii), the Superintendent of Police, Hooghly to prepare and submit a fresh proposal for concurrence of the Finance Department through proper channel within six weeks from the date of this order.

The applicant is also directed to co-operate with the respondent no. 2(ii) for supply of any documents if required by the respondents.

Accordingly, the matter is disposed of.

**SAYEED AHMED BABA**  
Officiating Chairperson & MEMBER (A)

H.S