

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 525 OF OF 2022**

PURNIMA DASGUPTA - VERSUS- THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	:	Mr.Asit Kumar Manna Mrs. Subarna Das Advocate
<u>04</u> 03.03.2023	For the State respondents	:	Mr.Soumendra Narayan Ray Advocate

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.

Learned counsel for the applicant prays for liberty to add District Magistrate, North 24 Paraganas as a party respondent. Prayer is allowed. Let the name of District Magistrate, North 24 Paraganas be added in the cause title as respondent No. 4 during the course of the day.

Let a copy of this application along with a copy of this order be served upon the respondent No.4, District Magistrate, North 24 Paraganas.

The prayer in this application is for a direction to the respondents to sanction family pension to the wife of the deceased employee, the applicant, Shrimati Purnima Dasgupta.

In brief, the case relates to the deceased employee, Mantu Dasgupta intimating the respondent for addition of his wife Purnima Dasgupta as the nominee for family pension, 21 years after retirement. The deceased employee, Mantu Dasgupta who was an U.D.Assistant retired on 01.04.1996 and later expired on 15.02.2018. Along with his application, the deceased employee had submitted all relevant documents, certificates to prove that Purnima Dasgupta

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as his spouse. Since, this was a delayed intimation for nominee for family pension, the respondent had asked the applicant to submit documentary evidence of marriage between her and the deceased employee.

Submission of Mr.A.K.Manna, learned counsel for the applicant is that since the marriage was solemnised in the year 1973, the couple did not have marriage certificate. However, other relevant documents to prove that the applicant as wife of the deceased employee were submitted like Aadhaar card, Ration card, Voter card and Bank Account showing the applicant as the wife of the deceased employee, Mantu Dasgupta. Also an allotment order for a housing flat issued by the Estate Manager to Purnima Dasgupta as wife of the deceased employee, Mantu Dasgupta was also submitted.

Submission of Mr.Manna is that due to ignorance, the deceased employee never felt it important to arrange a marriage certificate despite the fact that both of them were legally wedded in the year 1973 and lived together till the death of the deceased employee. The couple were also blessed with two daughters Paramita Dasgupta and Madhumita Dasgupta. In the Ration card, Voter card, and PAN card of Paramita Dasgupta, the name of parents - Mantu Dasgupta and Purnima Dasgupta are mentioned.

Since, in the absence of the marriage certificate, the respondent No.3, the Director of Health Services has not been able to issue a family pension in favour of the applicant.

Considering the facts and circumstances of this case and in view of the applicant submitting all documents except the marriage certificate, it is important to enquire whether Purnima Dasgupta, the applicant was wife of the deceased employee, Mantu Dasgupta. This enquiry should be held by the District Administration. Therefore, the District Magistrate, North 24 Paraganas,

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the respondent No. 4 is directed to have this matter enquired by a suitable officer of his administration and submit a report and opine whether Purnima Dasgupta was the wife of the deceased employee, Mantu Dasgupta on the basis of local enquiry and examination of the documents.

A direction is also given to the applicant to extent all cooperation to the enquiry officer to be deputed by the District Magistrate by way of submission of supporting documents and all other facts. Let report of the District Magistrate be submitted before this Tribunal by the next date.

Let the matter appear under the heading "For Orders" on 27th April, 2023.

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

BLR