

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 526 of 2023**

SMT. CHANDA SENGUPTA @ CHHANDA SENGUPTA - Vs THE STATE OF WEST BENGAL & OTHERS.

Serial No. and Date of order	For the Applicant	: Mr. Goutam Pathak Banerjee Advocate
<u>01</u> 13.10.2023	For the State respondents	: Ms.Ruma Sarkar Mr.Sourav Debray Ms.A.Bhattacharjee (Departmental Representatives)
	For the Private Respondent No. 6	: Ms.Lopamudra Moitra 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 and the learned Departmental representatives for the contesting parties, the case is taken up for consideration sitting singly.

Affidavit of service filed today be kept on record.

The prayer in this application is for a direction to the respondent authorities to sanction Family Pension in favour of the applicant, wife of the deceased employee, Pashupati Sengupta.

Mr.G.P.Banerjee, learned counsel appearing on behalf of the applicant draws attention to a document in this application which appears to be an order of the Learned District Delegate, Paschim Medinipur issuing the Succession Certificate in favour of Smt. Chhanda Sengupta, the applicant. It is submitted that the Learned Court has passed this order in favour of the applicant against the claims of the private respondent No. 6, Manju Sengupta.

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THE STATE OF WEST BENGAL & OTHERS.

It appears from the submission and the records that Manju Sengupta, the Private Respondents No. 6 in this application was sanctioned the family pension as wife of the deceased employee, Pashupati Sengupta. Submission of Mr. Banerjee, is that now since the Succession Certificate has been issued in favour of the applicant, therefore, the respondent authorities may be directed to cancel the family pension presently being given to Manju Sengupta, with a direction to give such family pension in favour of the applicant, Chhanda Sengupta.

Appearing on behalf of the Private respondent No. 6, Ms. L. Moitra, learned counsel files a copy of an Appeal being Misc. Appeal No. 40 of 2023 filed in the Court of Learned District Judge, Paschim Medinipur. Submission of Ms. Moitra, is that against the Succession Certificate earlier passed in favour of the applicant, Chhanda Sengupta, the private respondent - Manju Sengupta has preferred this appeal. Therefore, this application may be heard only after such appeal is disposed of by the Learned Court of District Judge, Paschim Medinipur.

In view of the above facts, let hearing of this matter is adjourned today till disposal of the appeal in Misc. Appeal No. 40 of 2023.

The matter is admitted. Let the matter appear under the heading 'Hearing' on 25th March, 2024.

BLR

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