

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-550 of 2023**

Tulu Ghorai -- **VERSUS** – The State of West Bengal & Ors.

Serial No. and  
Date of order

For the Applicant : Ms. P. Saha, Ld. Advocate.

For the State Respondent : Mr. Shaon Bhattacharya, Ld. Advocate.

02  
19.02.2024

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.

Supplementary affidavit filed be kept on record.

As submitted, the deceased husband of the applicant, Manmatha Ghorai was a GDA under the respondent no. 3 since 1982. The employee had expired while in service on 08.05.2011. Praying for a direction to grant her the death and terminal benefits, the applicant had filed an application before this Tribunal being OA 1047 of 2011. Attention is drawn to an order of this Tribunal dated 13.12.2011 in which a direction was given to the Superintendent, Diamond Harbour Sub-Divisional Hospital, South 24-Parganas to consider the prayer for such benefits. Submission of Ms. Saha is that despite such a direction since 2011, the respondent authorities have neither granted her the due benefits nor communicated her any final decision. Since no remedy was forthcoming from the side of the respondents, the applicant filed this application praying for a direction to the respondent authorities to disburse her pension and other terminal benefits against the death of her husband.

Mr. Shaon Bhattacharya, has appearing on behalf the respondent authorities submits that since such a direction was given a long time ago in 2011, it would be difficult at this stage to submit what actions have been taken by the respondents.

After hearing the submissions of the learned counsels, the Tribunal finds it appropriate to direct the respondent no. 2(c), the Medical Superintendent-cum-Vice Principal, Diamond Harbour Sub-Divisional Hospital, South 24-Parganas to consider this application as the representation of the applicant and take suitable action based on the merit of the applicant claiming to be the widow of the deceased employee, Manmatha Ghorai, who as submitted, had worked as a GDA in the hospital since 1982 and died while in service on 08.05.2011. Since a

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direction was passed on 13.12.2011 and the matter does not appear to have been considered, the respondent is further direction to give an opportunity of hearing to the applicant to present her case in person. After hearing the applicant and examining the service records of the deceased employee, if it is satisfactory and the claim for pension and retiral benefits appears to be correct, let suitable necessary actions be taken to disburse the same to the applicant. The whole exercise of personal hearing and examination of the records be completed within a period of three (03) months from the date of communication of this order.

Accordingly, this application is **disposed of**.

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

CSM/SS