

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-554 of 2022

Shanti Garai VERSUS – The State of West Bengal & Ors..

Serial No. and Date of order	For the Applicant	:	Mr. S. Bhattacharjee, Learned Advocate.
	For the State Respondents	:	Ms. R. Sarkar, Mr. S. Deb Roy, Mrs. A. Bhattacharya, Departmental Representatives.
			Mr. B. Mitra..
	For the Pr. A.G.W.B..		

03
23.02.2023

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

Affidavit of service filed be kept on record.

The prayer in this application is for a direction to the respondent to release the family pension and other retiral benefits. The applicant, Shanti Garai is the wife of the deceased employee. The deceased employee, Ajit Garai was suspended due to his involvement in a criminal case. After reviewing the suspension, the respondent revoked the suspension order of the employee and he was allowed to rejoin. After his superannuation, he expired. The present applicant, wife of the deceased employee has filed this application praying for release of family pension with arrears and other retiral benefits. In this

regard, the applicant had submitted a representation before the respondent praying for release of family pension and other retiral benefits.

The Ld. Addl. Sessions Judge, Purba Bardhaman arising out of Case No. 124 of 2010 dated 20.04.2021 passed an order, relevant para is as under :-

“During the trial of this case one accused person Ajit Garai has died. Accordingly the case against the accused Ajit Garai is filed for ever vide order No. 13 dated 16.04.2018.”

Learned counsel for the applicant submits that since the applicant’s husband, the employee has died and by the order of the learned Court, the case against him has also been closed, therefore, the family pension, arrear and other retiral benefits may be released by the respondent.

In view of the fact that the employee is already deceased and the criminal case filed against him has been closed for ever as per the order of the Ld. Addl. Sessions, Judge, therefore, the respondent No. 4, S.D.L.& L R O is directed to release the family pension and other retiral benefits in favour of the applicant, the wife of the deceased employee, Shanti Garai after verifying all other records within a period of five months from the date of

communication of this order. In completing the process of family pension and other retiral benefits, the applicant as the legal heir be called for submission of relevant documents before the respondent.

Accordingly, the matter is disposed of.

SAYEED AHMED BABA
OFFICIATING CHAIRPERSON & MEMBER(A)