

**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 562 OF 2024**

**PALASH KUMAR DAS CHOWDHURY - Vs - THE STATE OF WEST BENGAL & OTHERS**

Serial No. and  
Date of order

02  
13.12.2024

For the Applicant : Mr. Manujendra Narayan Roy  
Mr. Gourav Haldar  
Advocates

For the State Respondents : Mr. Soumendra Narayan Ray  
Advocate

For the Principal Accountant : Mr. Biswanath Mitra  
General (A&E) West Bengal (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 and the learned Departmental representative for the contesting parties, the case is taken up for consideration sitting singly.

Affidavit of service filed today be kept in record. The applicant has filed this application praying for setting aside the order No. 2666 dated 10.10.2023 and allow the applicant to receive the family pension.

From the submissions of the learned counsels and records, it is understood that one Maya Das Chowdhury, the deceased Government employee and wife of the applicant was receiving her pension after her superannuation on 31.01.2015. Later on 05.01.2020, Maya Das Chowdhury expired, leaving behind a letter addressed to the respondent authority not to sanction and release any family pension to any of the legal heirs. The present applicant being the spouse of the deceased employee had prayed for sanction of family pension in his favour.

In view of such wish expressed by the deceased employee, the

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Department of Home and Hill Affairs by its Memo. 2666 dated 10.10.2023 advised the DG & IGP that such family pension as prayed for by the applicant is not admissible and thus, regretted. This impugned Memo. of the Department is being assailed with a further prayer that family pension be sanctioned in favour of the applicant as he is entitled to receive so under the extant rules.

This Tribunal after hearing the submissions of the learned counsels and considering the facts and circumstances of this case has advised Mr.S.N.Ray, learned counsel to produce the original letter so written by the deceased employee, Maya Das Chowdhury, dated 23.02.2015 before this Tribunal for its examination. The Tribunal also advises the respondent authority to file a report stating the reasons why such family pension has been regretted in favour of the applicant and cite relevant rules / judgements.

The matter is admitted. Let the matter appear under the heading 'Hearing' on 11<sup>th</sup> March, 2025.

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

BLR