

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present : **HON'BLE JUSTICE SOUMITRA PAL,** **HON'BLE CHAIRMAN.**

Case No. – OA 6 of 2022.

RATNABALI SAHA –VS-THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	: Mr. Tapas Kumar Majumder, Advocate.
<u>4</u> 17.5.2022	For the State Respondents	: Mr. D. Koley, Advocate.

The matter is taken up by the single Bench pursuant to the order contained in the Notification No. 118-WBAT/1E-08/2003 (Pt.-II) dated 11th February, 2022 issued in exercise of the powers conferred under section 6 (5) of the Administrative Tribunals Act, 1985.

In this application Ratnabali Saha, the applicant, wife of Late Biswapati Saha has prayed for certain reliefs, the relevant portion of which is as under :-

(a) “....An order directing the respondent authorities, their agents, and servants to disburse the pensionary benefits including family pension in favour of the applicant which arose on the date of the applicant’s husband.

(b) An order directing the respondent authorities, their agent and servants to disburse interest amount @ 18% per annum over the pensionary benefits in favour of the applicant from the date of retirement of the applicant’s husband i.e. on 31.07.1994....”.

It is stated that Biswapati Saha, the husband of the applicant, was appointed as Assistant Engineer on 28th January, 1963 and superannuated on 31st July, 1994 after rendering service as Superintending Engineer, NH Circle-I, P.W.D.(Roads) and has expired due to Covid on 9th June, 2021. It is submitted by Mr. Tapas Kumar Mukherjee, learned advocate for the applicant since under the law, the wife of the applicant is entitled to service benefits and pensionary benefits, direction may be issued upon the respondents particularly on the Secretary, Public Works Department, Government of West Bengal, - the respondent no. 2(1) to release the said benefits. Submission is though a

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representation dated 23rd August, 2021 was furnished before the Additional Chief Secretary, Public Works Department, Government of West Bengal, being annexure 'K' to the application, no action has been taken. Aggrieved this application has been filed.

Mr. D.Koley, learned advocate appearing on behalf of the State respondents submits that as the husband of the applicant during his life time never submitted the formal application in Form-V praying for pension, no order may be passed.

Having heard the learned advocates for the parties and considering the facts and circumstances of the case, the application is disposed of by directing the Secretary, Public Works Department, Government of West Bengal, - the respondent no. 2(1) to dispose of the representation dated 23rd August, 2021 addressed to the Additional Chief Secretary, Public Works Department, Government of West Bengal, Howrah, the annexure 'K' to the application, by passing a reasoned order to be communicated to the parties within fifteen weeks from the date of communication of this order downloaded from the website of the Tribunal after giving an opportunity of hearing and after verifying the records. If it is found that the applicant is entitled to the reliefs as prayed for, same shall be disbursed in accordance with law within eight weeks on compliance of formalities.

(SOUMITRA PAL)
CHAIRMAN.

Skg.

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