

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 604 of 2021

Smt. Mita Duley & Another -- VERSUS – The State of West Bengal & Others

Serial No. and
Date of order

For the Applicants

: Mr. T.S. Mahapatra,
Ld. Advocate.

For the State Respondents

: Mr. A.K. Das Sinha,
Ld. Advocate.

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30.01.2025

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.

Mr. Das Sinha, learned counsel for the State respondents files sets of documents which includes a Legal Heirship Certificate in the name Sandhya Duley, being shown as the wife of the deceased employee Rampada Duley and also mentioned the name of Sushanda Duley-Son, Rita Duley- daughter, Mithu Duley-daughter and Mita Duley-daughter and Anima Sardar-daughter. The set of paper also includes a report by the Divisional Forest Officer which states that an opportunity of hearing was given to all the legal heirs. During the hearing, Sandhya Duley submitted necessary documents regarding family pension. On the other hand, Mithu Duley and Anima Sardar refused to submit any documents. Being satisfied on the basis of the hearing and on the basis of documents presented by the legal heirs during the hearing, the Divisional Forest Officer submitted a proposal for release of family pension and death gratuity of Rampada Duley in favour of Sandhya Duley to the office of the Principal Accountant General (A&E), West Bengal on 17.01.2025 enclosing all the relevant documents. The applicants' side dissatisfied with the decision of the respondent authority that the applicant and Anima Sardar had not furnished any document during hearing, presents a copy of an order passed by the Learned Chief Judicial Magistrate , Bankura which is dated 21.08.2007. Submission is that, as evident from this order, Sandhya Duley had failed to satisfy the learned court of her being the wife of the deceased employee. The Tribunal wonders why the applicant did not present this copy before the respondent authorities and challenged the decision of the respondent authorities in favouring the family pension and other death benefits in favour of Sandhya Duley. Had the fact been properly presented in terms of the order passed by Ld. Chief Judicial Magistrate, the respondent authorities would have taken a holistic view and decided the matter prudently, but since the applicants' side failed to produce any document

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including this document before the respondent authorities who had given an opportunity of hearing, the Tribunal do not find any reason why the decision of the respondent authorities should be altered. It is clear that the Divisional Forest Officer heard all the parties, including the applicant and after examination of the documents presented before him took the decision to propose sanction of family pension and other death benefits in favour of Sandhya Duley. The Tribunal, thus, does not find manifest of any prejudice against the applicant and therefore, disposes this application without any direction.

SS/HS

SAYEED AHMED BABA
Officiating Chairperson & Member (A)