

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman

Case No. –OA 609 of 2018

Mitali Lohar & Anr. - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No.	For the Applicants	: Mrs. S. Agarwal,
and		Advocate.
Date of order	For the State Respondent	: Mr. G.P. Banerjee,
<u>16</u>		Advocate.
05.07.2022		

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, Mitali Lohar and Buddhadeb Lohar, wife and son respectively of Ashoke Kumar Lohar, have prayed for a direction upon the respondent authorities to release family pension and other Death-cum-Retirement Benefits of Ashoke Kumar Lohar, Chowkidar/Night Guard, with 12% interest thereon. In the supplementary affidavit filed, the petitioners have stated that they are entitled to family pension, provident fund, gratuity, leave encashment and 25 days of salary of June 2016 with bonus.

Heard Mrs. S. Agarwal, learned advocate for the applicant and Mr. G.P. Banerjee, learned advocate for the State respondents.

Perusing the reply, it appears that Ashoke Kumar Lohar expired on 25th June, 2016 while in service leaving behind Bilasi Lohar (mother), Mitali Lohar (wife), Mamoni Lohar (daughter), Rupashri Lohar (daughter) and Buddhadeb Lohar (son) and mother of Late Ashoke Kumar Lohar. It appears that Ashoke Kumar Lohar had unauthorized absence from duty and the process for regularization of leave was going on. It appears from the statements made on behalf of the State respondents that till the leave is regularized, family pension cannot be granted to Mitali Lohar, the applicant no. 1.

Having heard learned advocates for the parties and considering the facts and circumstances of the case, the application is disposed of by directing the

Form No.

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Executive Engineer, Right Bank Irrigation Division, Sonamukhi, district – Bankura, the respondent No. 2 (III) to regularize the service of Ashoke Kumar Lohar on the basis of records available and in accordance with law within a period of twelve weeks from the date of presentation of a copy of this order downloaded from the website of the Tribunal. If regularization of unauthorized absence of Ashoke Kumar Lohar is carried out then only the said respondent shall take steps for grant of family pension to the applicant no. 1 within a period of twelve weeks after making necessary enquiry and after verifying the records and after hearing the applicant nos. 1 & 2 and other legal heirs of Ashoke Kumar Lohar and also shall grant of other admissible retiral benefits, if not already paid. Since the issue is pending for a long, the applicants are directed to cooperate with the respondent no. 2(III).

(SOUMITRA PAL)
CHAIRMAN

HS/SS