

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman

Case No. – OA 619 OF 2021

PADMA BALA KARMAKAR - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	:	Mr. Asim Kumar Niyogi Advocate
<u>04</u> 12.08.2022	For the State respondents	:	Mr. Manujendra Narayan Roy Advocate
	For the Principal Accountant General (A&E) West Bengal	:	Mr. Biswanath Mitra (Departmental Representative)

The matter is taken up by the single Bench pursuant to the order contained in the Notification No. 496-WBAT/1E-08/2003 (Pt.-II) dated 4th August, 2022 issued in exercise of the powers conferred under section 6 (5) of the Administrative Tribunals Act, 1985.

In the application, Padma Bala Karmakar, the applicant claiming to be the second wife of late Kishori Mohan Karmakar of State Armed Police, 3rd Battalion, Barrackpore, who died in harness on 22nd August, 1987, has prayed for certain reliefs, the relevant portion of which is as under:

“(a) A direction upon the respondents to forthwith issue Pension Payment Order in favour of the applicant and allow the applicant family pension from the current month and also directing the respondents to pay the applicant all arrears of pensionary benefits from the date of death of the applicant's husband including interests at the market rate;”

Mr. A.K.Niyogi, learned advocate appearing on behalf of the applicant relying on Rule 104 of West Bengal Services (Death-cum-Retirement Benefits) Rules, 1971, submits that since the respondents have treated the applicant as the legitimate wife of late Kishori Mohan Karmakar, order as prayed for may be passed.

ORDER SHEET

Form No.

PADMA BALA KARMAKAR

Vs.

Case No. : **OA 619 OF 2021**

THE STATE OF WEST BENGAL & ORS.

Mr.M.N.Roy, learned advocate appearing for the State respondents submits that Kishori Mohan Karmakar, stated to be the husband of the applicant had expired on 22nd August, 1987 and at the time of his death, the first wife was alive, as evident from paragraph 6.19 of the original application, who expired in the year 1991. Earlier, the applicant had filed an application claiming for family pension which was replied to by memo. dated 30th April, 2021 by the Commandant, State Armed Police 3rd Battalion, Barrackpore, West Bengal, the respondent no. 5 appearing at pages 27 and 28 of the application. Referring to the said memo. submission is as the issue has been settled as pension payment order of PAG (A&E) West Bengal was issued in favour of Mora Mohan Karmakar and Uttam Karmakar and death gratuity of Rs. 15,724/- was also authorised in favour of Mora Mohan Karmakar and Uttam Karmakar, therefore no order be passed.

Mr.B.Mitra, the departmental representative for the Principal Accountant General (A&E) West Bengal, Kolkata, the respondent no. 4 adopts the submission of Mr.Roy.

Having heard the learned advocates for the parties, as during the death of Kishori Mohan Karmakar on 22nd August, 1987, the first wife was alive who subsequently expired in the year 1991 and as it is evident from memo. dated 30th April, 2021, pension payment order and death gratuity have been issued in favour of Mora Mohan Karmakar and Uttam Karmakar, no order is passed on the application. The application is disposed of.

BLR

(SOUMITRA PAL)
CHAIRMAN