

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 635 of 2021.

KALPANA MONDAL –VS-THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	: Mr. Rajdip Ray, Mr. Murari Mohan Sarkar, Advocates.
<u>4</u> 17.5.2022	For the State Respondents	: Mr. B.P. Roy, Mr. G.P. Banerjee, Advocates.

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 Kalpana Mondal, the applicant has prayed for certain reliefs, which are as under :-

- i) *“....For a direction upon the respondents to release all service benefits of Late Himangshu Mondal such PF, Gratuity etc. including pension with effect from the date of her entitlement with interest at the rate of 12% per annum to his widow, the applicant herein within a specified time.*
- ii) *Direct the respondents to release the pension amount due and payable together with arrear of monthly pension with interest @ of 12% per annum to the applicant in accordance with law....”.*

It appears that earlier the applicant was married to one Bimal Mondal, who expired on 17<sup>th</sup> July, 1991. According to the applicant, thereafter she married Himangsu Mondal as per Hindu rites and customs on 26<sup>th</sup> January, 2000 and they lived together as husband and wife. Himangsu Mondal was a Constable of West Bengal Police. Himangsu Mondal expired on 1<sup>st</sup> June, 2013 leaving behind the applicant as widow. According to the applicant, Himangsu Mondal had one bank account in Allahabad Bank. During his life time in Nazirpur village in South 24-Parganas, the applicant also has an account with UCO Bank wherein it has been stated that she is the wife of late Himangsu

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Mondal of Pragati Pally, Subhasgram, Sonarpur, Kolkata. The applicant has stated that she has affirmed an affidavit before the Court of Judicial Magistrate at Baruipur, South 24-Parganas on 29<sup>th</sup> September, 2020 stating that she is the legally married wife of Himangsu Mondal. Accordingly, she has claimed before the Superintendent of Police, Sealdah G.R.P where Himangsu Mondal had last worked for release of service benefit of her husband such as Provident Fund, Gratuity and other pensionary benefits which has been turned down on 5<sup>th</sup> February, 2015 by the Superintendent of Police, Sealdah G.R.P. district..

Mr. Rajdip Ray, learned advocate appearing on behalf of the applicant submits that as the applicant is the wife of Himangsu Mondal , the Superintendent of Police, Sealdah G.R.P erred in declining the prayer of the applicant.

Mr.G.P. Banerjee, learned advocate appearing on behalf of the State respondents relying on paragraph 6(g) submits that it appears that the applicant on 31<sup>st</sup> May, 2013 applied for registration of marriage with Himangsu Mondal. However, as Himangsu Mondal expired on the following day, that is on 1<sup>st</sup> June, 2013, registration of marriage could not be made. Therefore, the rejection of the application of the applicant praying for superannuation benefits and provident fund benefits of Himangsu Mondal, which has not been challenged, is just and proper,.

Having heard the learned advocates for the parties, since the fact of marriage of the applicant with Himangsu Mondal is disputed, the Tribunal has no jurisdiction to take up the matter. The applicant is at liberty to apply before the appropriate forum for redressal of his grievances, if any. Therefore, no order is passed on the application. The application is disposed of.

(SOUMITRA PAL)  
CHAIRMAN.

Skg.

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