

**ORDER SHEET**

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Bikash Bhavan, Salt Lake, Kolkata – 700 091.**

**Present-**

**The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson and Administrative Member**

**Case No. – OA-636 of 2019**

**Mst. Anowara      VERSUS – The State of West Bengal & Ors.**

Serial No. and Date of order	For the Applicant	:	Mr. G.P. Banerjee, Advocate
<u>12</u> 15.05.2023	For the Respondents	:	Ms. R. Sarkar, Mr. S. Deb Roy, Mrs. A. Bhattacharya, Departmental Representatives
	For the Pr. A.G.W.B.	:	Mr. B. Mitra, Departmental Representative

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 23<sup>rd</sup> November, 2022 issued in exercise of the powers conferred under section 5(6) of the Administrative Tribunals Act, 1985.

On consent of the learned counsels for the parties, the case is taken up for consideration sitting singly.

In this application, the prayer is for releasing the family pension to the applicant after death of her husband. Mr. Banerjee relies on Rule 101 (2) of D.C.R.B. Rules, 1971 which states that an employee having completed three years of service is entitled for family pension subject to certain conditions. One of the conditions is that the applicant should have received the gratuity.

Ms. Sarkar submits that the Rule was modified and a notification was issued on 30.07.2007 to the effect that the word "Gratuity" has been deleted. Ms. Sarkar also submits that as per the Annexure R-I appearing in their reply, it is evident that the applicant had received service gratuity and not retirement gratuity.

Submission of the state respondent is that the applicant did not serve ten years and above and the service gratuity which he had received does not entitle his legal heir to any family pension. Besides, the Rule 101 has been modified to the extent that receipt of gratuity does not enable a family of the deceased to get family pension.

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From the above submissions, it is clear to the Tribunal that Rule 101 after modification does not entitle the family of the deceased employee for family pension. Moreover, it has also been made clear that receiving gratuity does not entitle someone for family pension. Since the above submission has not been controverted by the applicant's side, this application is disposed of without any orders.

(SAYEED AHMED BABA)  
OFFICIATING CHAIRPERSON  
and MEMBER (A)

SCN.

WEST BENGAL ADMINISTRATIVE TRIBUNAL