

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 651 OF 2023

JAYANTI RAY - Vs - THE STATE OF WEST BENGAL & OTHERS.

Serial No. and
Date of order

02
06.02.2024

For the Applicant : Mr.S.Nayek
Advocate

For the State Respondents : Mrs. Sonali Mitra
Advocate

For the Principal Accountant : Mr.Biswanath Mitra
General (A&E) West Bengal (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 23rd 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 and the learned Departmental representative for the contesting parties, the case is taken up for consideration sitting singly.

By filing this application, the applicant has prayed for sanction of family pension in her favour claiming to be the unmarried daughter and the legal heir of the deceased parents. As per her statement in the application, the deceased employee - late Kanailal Roy was her father who had worked as a Peon in the Department of Irrigation. After superannuation, the deceased employee had received his pension and after his death, his wife received the family pension. Now after the death of her mother on 17.09.2022 she has prayed for family pension by submitting a representation before the respondent authority which was forwarded by the Sub-Divisional Officer to the Executive Engineer, Basirhat Irrigation Division on 17.04.2023.

Appearing on behalf of the respondent authorities, Mrs.S.Mitra, learned counsel submits that as per instruction from the respondent

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authorities there appears to be a doubt regarding her claim of being the legal heir, which is being verified properly. Mrs.S.Mitra also submits that the applicant, Jayanti Ray has been advised to resubmit her legal heirship certificate from the competent authority by a communication to her dated 05.12.2023.

After hearing the submissions of the learned counsels, the Tribunal finds that the respondent authority is not yet satisfied with her claim to be the sole legal heir for the family pension. Since she has been advised by the respondent authorities to submit proper and relevant documents, the Tribunal at this stage, does not find it proper to interfere.

Let the documents, as advised, be submitted by the applicant before the office of the respondent authorities. If such documents are submitted and if these are admissible and the applicant is found to be eligible to apply for family pension, the respondent No. 8, the Executive Engineer, Basirhat irrigation Division is directed to do the needful.

Accordingly, the application is disposed of without passing any orders.

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

BLR