

ORDER SHEET

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present- \*

**The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson & Member (A)**

**Case No. – OA 653 of 2021**

**Smt. Arati Acharya -- VERSUS – The State of West Bengal & Ors.**

Serial No. and  
Date of order

For the Applicant : Ms. I. Ghosh,  
Mr. A. Ghosh,  
Ld. Advocates.

07  
07.01.2025

For the State Respondent : Mrs. S. Mitra,  
Ld. Advocate.

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.

In this application, the applicant has prayed for a direction to the respondent authorities for sanction of family pension and other retiral benefits. It appears that the deceased husband of the applicant was a Havildar under Kolkata Police. The deceased employee was charged with unauthorised absence and indisciplined conduct and after completion of departmental proceedings, he was dismissed from the service on 31.07.2003.

Mrs. Mitra appearing on behalf of the respondent submits that as a dismissed employee, the applicant or legal heirs are not entitled for any retiral benefits including the family pension. Therefore, this application is not maintainable.

Submission of the learned counsel for the applicant is that due to 26 days unauthorised absence, the applicant was dismissed after serving 25 years of service. Such dismissal on account of just 26 days absent is not only bad in law but it is disproportionately unfair to a govt. employee who have served the government of 25 years. However, since the employee has already died, family pension may be granted to legal heirs, in which Arati Acharya, the applicant is legal heir i.e. widow of the deceased employee.

Mrs. Mitra has submitted that there is no provision in the rules to grant family pension to the widow or any other members of the family of a dismissed employee. Therefore, this application is not maintainable. Mrs. Mitra also submits a copy of the sanction order in which it appears that the dismissed employee was sanctioned GISS and GPF final amount. As such, there are no other legal dues to be released in favour of the applicant.

Having heard the submissions of the learned counsels and after

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considering the facts and circumstances of the case, the Tribunal has come to this conclusion that the deceased employee was dismissed from service long ago in 2003. Neither such dismissal order was challenged nor set aside by any court of law. As per relevant rules, the legal heirs of any dismissed employee are not entitled for family pension.

Therefore, not finding any merit in this application, this application is **disposed of** without passing any orders.

**SAYEED AHMED BABA**  
**Officiating Chairperson & Member (A)**

CSM