

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble SAYEED AHMED BABA, Member (A)

Case No. – OA-653 of 2021

Serial No. and Date of order	Arati Acharya For the Applicant	:	VERSUS – The State of West Bengal & Ors.. Mr. B.K. Halder, Learned Advocate.
<u>05</u> 19.09.2022	For the State Respondents	:	Mrs. S. Mitra, Learned Advocate

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 Havilder 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.

Learned counsel for the applicant prays for accommodation so that he will submit supporting papers from the rules to claim family pension for a dismissed employee. Mr. B. Mitra, representative of office of Principal A.G. has submitted that his office has not been served any notice and copy of the application from the applicant.

Let such notice and copy of the application be served to the Principal A.G. (A & E).

Let the matter appear under the heading “Orders” on **08.11.2022.**

SAYEED AHMED BABA
MEMBER (A)