

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 655 OF 2023

SRIKANTA GHOSH & ANOTHER - Vs - THE STATE OF WEST BENGAL & OTHERS.

Serial No. and
Date of order

04
06.03.2025

For the Applicants : Mrs. Sonali Mitra
Advocate

For the State Respondents : Mr. Debabrata Koley
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.

Mr.B.Mitra, Departmental representative has submitted that in terms of Rule 194A of WBS (DCRB) Rules, 1971 read with clarificatory note by Memo. 262-F(Pen) dated 24.05.2018, the family members of employee are not entitled to dual pension. Rule 194A (ii)(b) is as follows:

“(b) retires from civil re-employment under the State Government after becoming eligible for pension therefore, he shall exercise an option at the time of applying for pension for civil service either to be governed by family pension under the rules of the State Government or to avail of family pension benefit as authorised at the time of retirement/discharge from military service and the said option, once exercised, shall be final;”

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As evident from the application, the applicant was serving as Havildar in Indian Army and retired from service with effect from 30.11.2001. The Statement also admits that he is getting Military pension with effect from 01.07.2019. Copy of the P.P.O. issued by the Office of the Principal Controller of Defence Accounts (Pensions), Prayagraj, shows that the applicant is receiving Rs. 21,782 as his service pension. Since the applicant was receiving military pension, the Office of the Principal Accountant General has issued P.P.O. for receiving the pension, but since legal heirs of the employee will not be entitled to receive family pension in terms of the rules cited above, his P.P.O. has recorded "No Family Pension Now".

Since the rules have been made clear to this Tribunal and by such rule, the legal heirs of the employee in the event of death of the employee is not entitled for family pension, the prayers in this application for deletion of the words "No Family Pension Now" is not a valid prayer. Therefore, the application is disposed of.

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

BLR