

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman

Case No. – OA 661 OF 2021

RANJANA KAR - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and
Date of order

06
17.06.2022

For the Applicant : Mrs. Anita Kaunda
Advocate

For the State respondents : Mr. Manujendra Narayan Roy
Advocate

For the Principal Accountant General (A&E) West Bengal : Mr. Biswanath Mitra
(Departmental Representative)

The matter is taken up by the single Bench pursuant to the order contained in the Notification No. 118-WBAT/1E-08/2003 (Pt.-II) dated 11th February, 2022 issued in exercise of the powers conferred under section 6 (5) of the Administrative Tribunals Act, 1985.

As prayed for by Mrs. A. Kaunda, learned advocate for the applicant, leave granted to add the Deputy Commissioner of Police, Special Branch, 14, Lord Sinha Road, Kolkata, as a party respondent by amending the cause title of the original application in course of this day.

Since Mr. Roy, learned advocate for the respondent no. 1, 2 and 3 accepts service of notice on behalf of the added respondent, no further copy of the application be served on the added respondent.

In this application, Ranjana Kar, the applicant, has prayed for certain reliefs, the relevant portion of which is as under:

“ i) To direct the respondents to disburse the family pension by considering the legitimate & legal rights of the

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applicant with arrears from the effective date.

ii) To direct the Respondent Authority to settle the death benefit in respect of the husband of the applicant if any.”

It appears that Subrata Kar, a Constable and the husband of the applicant who had superannuated on 1st February, 2019 had expired on 8th March, 2021 leaving behind the applicant and a daughter and a son. It appears that the applicant was married to Subrata Kar on 7th May, 1990. It further appears that since 2012 the relation between the applicant and her husband got strained and an application to pay maintenance was filed by her before Learned Judicial Magistrate 1st Class at Alipore. Thereafter husband of the applicant filed a matrimonial suit being MAT Suit No. 1871 of 2012/4 of 2014 in the Court of Ld. District Judge at Alipore. It also appears from the application that there was an improvement in the relation between husband and wife as it has been stated that the name of the applicant was mentioned as a nominee in the salary account of the applicant's husband as per the applicant's desire. It is submitted by Mrs. A. Kaunda, learned advocate for the applicant that as the applicant was the legally married wife she is entitled to family pension.

Mr.M.N.Roy, learned advocate appearing on behalf of the respondent nos. 1, 2 and 3 submits on instruction that Subrata Kar by letter dated 3rd August, 2015 addressed to the Deputy Commissioner of Police, Special Branch, Kolkata, prayed for grant of single pension after his retirement and accordingly single pension was granted. However, it is submitted that as there is no dispute about the marriage between Subrata Kar and the applicant, prayer for family pension may be allowed in accordance with the rules. Let a copy of

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the letter dated 3rd August, 2015 addressed by Subrata Kar to the Deputy Commissioner of Police, Special Branch, Kolkata, be kept on record.

Mr.B.Mitra, the Departmental representative on behalf of the Principal Accountant General (A&E) West Bengal submits that after the pension papers are sent by the Deputy Commissioner of Police, Special Branch, Kolkata, the added respondent, steps will be taken for release of family pension.

Having heard the learned advocates for the parties and the departmental representative, since there is no dispute that the applicant is the legally married wife of Subrata Kar and thus entitled to family pension, the application is disposed of directing the Deputy Commissioner of Police, Special Branch, Kolkata, to process and prepare the family pension papers of the applicant within ten weeks from the date of presentation of a copy of this order downloaded from the website of the Tribunal and shall send it to the Principal Accountant General (A&E) West Bengal within the said period. Upon receiving the same, the Principal Accountant General (A&E) West Bengal shall give necessary sanction within eight weeks and shall send the records back to the added respondent who shall do the needful in accordance with law within two weeks thereafter.

(SOUMITRA PAL)
CHAIRMAN

BLR