

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 727 OF 2016

RUKU MAYA BISTA CHHETRI - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and
Date of order

20
22.02.2024

For the Applicant : None

For the State respondents : Mr.Goutam Pathak Banerjee
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 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 counsel, the case is taken up for consideration sitting singly.

The prayer for family pension on behalf of the applicant was considered and regretted after obtaining the opinion of the Finance Department. As stated in the correspondence No. 2559 dated 02.09.2014, the Finance Department opined that since the applicant's husband, Harka Bahadur Bista (Chhetri), had not opted for the family pension as per the then prevailing Family Pension Scheme 1965, the question of sanctioning family pension to his widow, the present applicant, does not arise.

Since the above fact has not been controverted by the applicant, the Tribunal had directed the applicant to furnish any relevant documents assailing the opinion of the Finance Department. But no such paper was presented. It is clear from the submissions and the records that the deceased employee having superannuated in 1966 had not opted for family pension under the Family Pension Scheme 1965. Under this scheme, a Government employee was required to submit a formal application for family pension and deposit two months remuneration. It is evident that in this case, the deceased employee had

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not exercised this option. The argument of the applicant is that family pension becomes payable automatically to the surviving spouse of the deceased employee is not a valid argument. In this case, there were two important pre-conditions. First, the employee had to formally opt for such family pension scheme and then deposit his two months remuneration. The employee neither formally opted for this pension, for whatever reason, nor he deposited his two months remuneration as part of his contribution.

From the above observations, therefore, it is clear that the applicant, though deprived, is not entitled for family pension. Therefore, the Tribunal is not inclined to consider the prayer in this application.

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

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

BLR