

**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

18  
22.08.2023

For the Applicant : Mr.K.Chakraborty  
Advocate

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 23<sup>rd</sup> 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 for the contesting parties, 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 directs the applicant to furnish any relevant documents assailing the opinion of the Finance Department. 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 an application for family pension and deposit two months remuneration. It is evident that in this case, the deceased employee had not exercised this option. Therefore, it is

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important to know if the applicant has any documents to prove that the deceased employee had actually opted for Family Pension under the Family Pension Scheme of 1965.

Let relevant documents, if available with the applicant be filed on the next date.

As prayed for by Mr.K.Chakraborty, learned counsel for the applicant liberty is given to add the Principal Accountant General (A&E) West Bengal as respondent No. 4 in course of the day.

Let the matter appear under the heading "For Orders" on 25<sup>th</sup> January, 2024.

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

BLR