

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

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

Serial No. and Date of order : **Case No. – OA-808 of 2021**
Binapani Jana VERSUS – The State of West Bengal & Ors.
For the Applicant : Mr. A.K. Routh,
Learned Advocate.
05 For the State : Mr. G.P. Banerjee,
29.07.2022 Respondents Learned Advocate.

For the Pr. A.G.W.B. Mr. B. Mitra.

In this application, the applicant prays for an order directing the concerned respondent authorities to cancel the Pension Payment Order and to issue a fresh Pension Payment Order of the said Late Nandadulal Jana recording the name of the applicant as the family pension holder of the said Late Nandadulal Jana.

Prayer is also for an order directing the concerned respondent authorities to stop the payment of the family pension of the said Late Nandadulal Jana to the said Family of Respondent No. 7.

Learned advocate for the applicant submits that the applicant Binapani Jana was the legally married wife of the deceased employee Nandadulal Jana as evident from the records of Aadhar Card, EPIC, Ration Card and SBI Savings Bank Account in which along with name of the applicant, name of Nandadulal Jana as husband is mentioned.

Learned advocate for the applicant also submits that after the death of the deceased employee, the family pension has

been disbursed to the Respondent No. 7, Shyamali Jana which should be stopped and disbursed to the applicant. Learned advocate also refers a letter issued by the CMOH to the Treasury Officer-I, Krishnagar, Nadia at page 22 which “requestes to reject any claim made by any other person other than his client. Hence you are requested to send the updated family pension status of Lata Nandadulal Jana.”

Mr. Banerjee appearing on behalf of the state respondent submits that since in the absence of legal heirship certificate from the appropriate authorities, based on the applicant’s claim of being the wife, claim on the basis of Aadhar card, EPIC, Ration card, SBI SB Account is not sufficient and are not legally valid documents to prove the applicant’s relationship as a wife with the deceased employee.

Mr. Banerjee also submits that, the prayer of the applicant is to cancel the Pension Payment Order and issue a revised family pension in the name of the applicant, Binapani Jana which should be first decided by the appropriate Civil Court.

Mr. Banerjee informs that in all the documents related to the family pension of Shyamali Jana, Respondent No. 7, the name of the wife of the deceased employee was recorded and not the name of the applicant Binapani Jana.

After hearing both the learned advocates and considering the facts and circumstances, the case is disposed of by directing the Respondent No. 3, CMOH, Nadia to decide as per law the rightful claimant of the family pension of the deceased

employee Nandadulal Jana within a period of 12 (twelve) weeks from the date of this order to be obtained by downloading from the Website of the Tribunal. It is made clear that I have not gone into the merits of the case which are left open for the respondent to consider on the basis of rules and documents available. The applicant and the Private Respondent No. 7 may be directed to appear before him with all relevant documents, if felt necessary. Accordingly, OA is disposed of.

SAYEED AHMED BABA
MEMBER (A)