

**ORDER SHEET**

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

**Present-**

**The Hon'ble Justice Soumitra Pal, Chairman**

**Case No. –OA 886 OF 2021**

**SAROJINI MANDI - VERSUS - THE STATE OF WEST BENGAL & ORS.**

Serial No. and Date of order	For the Applicant	: Mrs. Manali Biswas, Advocate
<u>4</u> 05.07.2022	For the Respondents	: Mr. Gautam Pathak Banerjee, 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 11<sup>th</sup> February, 2022 issued in exercise of the powers conferred under section 6(5) of the Administrative Tribunals Act, 1985.

In this application, Sarojini Mandi,- the applicant, mother of late Nikolas Mandi, - has prayed for certain reliefs, the relevant portion of which is as under:

*“a) An Order do directing upon the respondent authorities particularly the respondent No.4 to disburse 50% shares of all pensionary benefits left by her deceased son namely, Nikolas Mandi in favour of the Applicant immediately.*

*b) An Order do directing the respondent No.4 to consider the representation of the Applicant date 12/07/2021 and 29/07/2021 as early as possible.”*

It has been stated that Nikolas Mandi, during his life time, was appointed and joined the post of Constable of West Bengal Police on compassionate ground. In the year 2003, Nikolas Mandi married Monika Soren. In 2016, Nikolas Mandi became seriously ill and on 18<sup>th</sup> October, 2020 he expired. It has been alleged that during the latter part of the life time of Nikolas Mandi, the private respondent no.9 maintained no contact with her son. At the time of his death, Nikolas Mandi left no issue. Nikolas Mandi, after death, left behind his

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mother, the applicant and four sisters. In this application, the applicant has prayed for 50% share of service benefits, as legal heir, left by his deceased son.

Mrs. Manali Biswas, the learned advocate appearing on behalf of the applicant submits that the respondents may be directed to release 50% share of his deceased son Nikolas Mandi in accordance with the D.C.R.B. Rules of 1971 after considering the representations dated 12<sup>th</sup> July, 2021 and 29<sup>th</sup> July, 2021.

Mr. Gautam Pathak Banerjee, learned advocate appearing on behalf of the State respondents submits that under the D.C.R.B. Rules, the applicant is entitled to 50% of the admissible death benefits including family pension.

Having heard the learned advocates for the parties and considering the facts and circumstances of the case, the application is disposed of by directing the Superintendent of Police, Hooghly District Rural Police, Singur, in the district of Hooghly, the respondent no.4, to dispose of the representations dated 12<sup>th</sup> July, 2021 and 29<sup>th</sup> July, 2021 by passing a reasoned order to be communicated to the parties within fifteen weeks from the date of presentation of a copy of this order downloaded from the Tribunal after giving an opportunity of hearing to the applicant and other interested parties and after verifying the records. If it is found that the applicant is entitled to the benefits as prayed for, the respondent no.4 shall issue necessary orders for follow up action.

SCN.

(SOUMITRA PAL)  
CHAIRMAN