

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson & Member (A)

**Case No. – OA 908 of 2018**

*Kananbala Singh & Ors.* -- **VERSUS** – The State of West Bengal & Ors.

Serial No. and Date of order	For the Applicants	: Sk. Sahjahan Ali, Ld. Advocate.
	For the State respondent	: Mrs. S. Agarwal, Ld. Advocate.
<u>01</u> 05.04.2023		

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.

At the very beginning of submission, learned counsel for the applicant prays for liberty to expunge the name of applicant no. 1, Kananbala Singh, the widow of the deceased employee, who has in the meantime expired. Prayer is allowed. Let the name of applicant no. 1, Kananbala Singh be expunged from the list of applicants.

The applicants are the legal heirs of the deceased employee, late Kanan Kumar Singh, ex-Employment Officer, District Employment Exchange, Egra, Purba Medinipur. The employee Kanan Kumar Singh was suspended by the Department on 12.11.2008 for charges of him being arrested in a criminal case. Later, the Department passed an order on 04.12.2009 which compulsorily retired him with effect from 31.10.2009. The present applicants as legal heirs, have prayed for a direction to the respondent to disburse the Death-cum-Retirement Benefits including gratuity and family pension.

Mr. Ali, learned counsel for the applicants refers to page no. 4 of the supplementary which appears to be the reply of the State Public Information Officer, Directorate of Employment addressed to the widow of the deceased employee. It states that, as the widow, she is eligible to get family pension as per rules, subject to fulfilment of required conditions.

From the reply submitted by the respondent, nowhere it appears to have controverted the statement made in the RTI that the widow was eligible for family pension. However, Mrs. S. Agarwal, learned counsel for the State

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respondents submits that any retiral dues to be paid to the legal heirs will be paid only after adjusting the dues of the deceased employee. Mrs. Agarwal also points out that to receive the admissible Death-cum-Retirement Benefits by the legal heirs, certain forms are to be filled up. So, a suitable direction may be given to the applicants to contact the office and submit these forms for release of group insurance and leave salary. Mrs. Agarwal also points that an amount of Rs. 7,91,133/- was due from the deceased employee on account of rent of Haldia Development Authority for the flat he occupied.

After hearing the submissions of the learned counsels of both parties and perusing the records, the application is disposed of by directing the respondent no. 2, the Director of Employment, Labour Department to assess the Death-cum-Retirement Benefits as admissible to legal heirs of the deceased employee within a period of 12 (twelve) weeks from the date of communication of this order and disburse the same to the legal heirs as per Rules expeditiously.

The applicants/legal heirs are directed to extend necessary cooperation by submitting all required relevant supporting documents before the Respondent.

Accordingly, the application is **disposed of.**

**SAYEED AHMED BABA**  
**Officiating Chairperson & Member (A)**

CSM/SS