

ORDER SHEET

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 991 of 2018

Afroja Begum -- VERSUS – The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicant : Mrs. S. Mitra,
Ld. Advocate.
For the State Respondent : Mr. S.N. Ray,
Ld. Advocate.
For the Pr.AG (A&E), WB : Mr. B. Mitra,
Ld. Depttl. Rep.

19
02.12.2024

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.

Affidavit of service filed be kept on record.

The applicant has filed this application praying for a direction to the respondent authorities to release her family pension. Kader Ali, the deceased husband of the applicant, a Khalasi under Lower Damodar Construction Division, Department of Irrigation and Waterways superannuated on 31.03.2005 and later expired on 21.07.2010. Though superannuated but not having completed 10 years of continuous service, Kader Ali did not receive pension. Attention is drawn to this office order no. 285 dated 21.02.1997, by which the Executive Engineer confirms absorption of this applicant along with others in the post of Khalasi under work charged establishment. The order also mentions that these employees including the applicant who are being absorbed were engaged prior to 31.12.1991. The order of absorption to the applicant and others comes into effect from 13.03.1996. Another relevant Memo being 475 dated 04.04.1996 issued by the Executive Engineer relates to medical examination of employees including this applicant.

Submission of Mrs. Mitra on behalf of the applicant is that the applicant's husband has been working in the same post of Khalasi since 1981 continuously. Therefore, having completed more than 10 years of service, he was entitled to receive his pension. Since he is deceased now, the applicant, being the wife, is entitled to receive the family pension.

It is a fact that the applicant's husband was regularised in the post of Khalasi since 13.03.1996 and superannuated after completing only 7 years and 11 months. Though the office order no. 285 of the Executive Engineer hints that the Khalasi's including the applicant who were being absorbed had been engaged

ORDER SHEET

Afroja Begum

Form No.

Case No. **OA-991 of 2018**

Vs.

The State of West Bengal & Ors.

prior to 31.12.1991, but no such document is available to substantiate the claim that the employee had been working prior to 31.12.1991. Admitting this, Mrs. Mitra wishes to check with the applicant and furnish such relevant documents, if available before this Tribunal on the next date.

Mr. S.N. Ray, learned counsel for the State respondents has also been advised to check with the office of the respondent authorities and provide a copy of any document showing engagement of the deceased employee prior to 31.12.1991, prior to his absorption in regular establishment.

Le the matter appear under the heading **“For Orders”** on **27.01.2025**.

SAYEED AHMED BABA
Officiating Chairperson & Member (A)

CSM/SS