

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman.

Case No. –OA-165 of 2021

Souvik De Chaudhuri and Others. - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicants	: Ms. P. Sarkar, Advocate.
<u>2</u> 19.4.2021	For the State Respondents	: Mr. G. P. Banerjee, Advocate.
	For the Private Respondent No. 9	: Mr. B. P. Roy, Advocate.
	For the Principal Accountant General (A&E), West Bengal.	: None.

The matter is taken up by the single Bench pursuant to the Notification No. 949-WBAT/2J-15/2016 dated 24th December, 2020 issued in exercise of the powers conferred under sub section (6) of section 5 of the Administrative Tribunals Act, 1985.

Let affidavits of service filed today be kept on record.

Ms. P. Sarkar, learned advocate appearing on behalf of the original applicants prays for leave to file supplementary application on behalf of the original applicants. Prayer is allowed. Let supplementary affidavit filed be kept on record.

In this application, Souvik De Chaudhuri and Rita Dey Choudhury - the applicants have filed this application praying for certain reliefs, the relevant portion of which is as under :-

“a) An order directing the respondent authorities to pay the family pension (commutation of pension) as on the day of death of Late Dr. K.D. Chaudhuri immediately to your applicant no. 1 bank account which is furnished earlier.

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b) A direction upon the respondent nos. 3,4,6,7,8 restraining them to not to touch the commutation of pension beyond 6th January, 2021 (death of Late Dr. K.D. Chaudhuri) and to pay the family pension equally among applicant no. 1 and private respondent no. 9 as per memo no. 495(500)-F (pen) dated 23rd July, 2008 (being annexure 6).”

It appears that the applicant no. 1 is the son of late K. D. Chaudhuri and the applicant no. 2 is the wife of K. D. Chaudhuri, who got divorced pursuant to the decree of divorce passed on 30th November, 2012. It appears from records that the applicant no. 2 on 10th August, 1995 got married to K. D. Chaudhuri and out of the wedlock applicant no. 1 was born on 4th October, 1996. It also appears that after the applicant no. 2 got divorced, the K. D. Chaudhuri had married the private respondent no. 9. It is pertinent to mention that K. D. Chaudhuri was attached to Malda Medical College as Assistant Professor and his application for voluntary retirement was accepted with effect from 22nd July, 2019. On 6th January, 2021, K. D. Chaudhuri expired leaving behind the applicant no. 1 and the private respondent no. 9, the present wife, as legal heirs as evident from the statement made in paragraph 4 (D). It is submitted by Ms. Sarkar that since family pension is not being released, the applicant is in financial distress.

Mr. G. P. Banerjee, learned advocate appearing on behalf of the State respondents, referring to the intimation dated 23rd February, 2021 sent by the Senior Accounts Officer to the Principal, Malda Medical College submits that steps have been taken for grant of family pension equally to the applicant no. 1 till he attains the age of 25 years and also to the private respondent no. 9 and direction may be issued accordingly.

Mr. B. P. Roy, learned advocate for the private respondent no. 9

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submits that as his client is entitled to family pension and the applicant no. 1 is entitled to family pension till he attains the age of 25 years.

Having heard the learned advocates for the parties and considering the intimation dated 23rd February, 2021, the original application is disposed of by directing the Director of Medical Education, Department of Health and Family Welfare, Government of West Bengal, – the respondent no. 3 and the Principal Accountant General (A&E), West Bengal, - the respondent no. 7 to grant family pension to the applicant no. 1 till he attains the age of 25 years and the private respondent no. 9 equally, after compliance of formalities within a period of 15 weeks from the date of presentation of a copy of this order downloaded from the internet / website. After the applicant no. 1 attains the age of 25 years, the family pension to the private respondent no. 9 shall be paid in accordance with law.

(SOUMITRA PAL)
CHAIRMAN

S.M.