

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman

Case No. – OA-281 of 2021

ASHA DAS & OTHERS - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicants	: Mr. G.P. Banerjee, Mr. R.K. Mondal, Advocates.
<u>10</u> 02.08.2022	For the State respondents	: Mr. S. Ghosh, Advocate.
	For the Private Respondent No. 6	: Mr. M.N. Roy, Advocate.
	For the Principal Accountant General (A&E), West Bengal	: Mr. B. 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 11th February, 2022 issued in exercise of the powers conferred under section 6 (5) of the Administrative Tribunals Act, 1985.

In this application, Asha Das, Mousumi Das, Prity Das and Indrajit Das (Minor) have prayed for certain reliefs, the relevant portion of which is as under :

- (a) *An order do issue directing the concerned respondent authorities to forthwith grant and disburse the Death benefit of Kalidasi Das in favour of your applicants herein in equal share, and interest @ 18% p.a. till the date of actual realization of the same in accordance with law, within stipulated time.*
- (b) *An order do issue directing the concerned respondent authorities to dispose of the representation dated 15.02.2021 and 19.02.2021 in accordance with law by passing a reasoned and speaking order within a stipulated time period after giving an opportunity of hearing and to communicate the decision thereof.*

It is evident that late Kalidasi Das, being the mother-in-law of the applicant no. 1, was an employee under the respondent authorities who died on 21st May, 2020 while in service, leaving behind Dipali Das, the respondent no. 6 as her

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daughter and Biswajit Das her only son.

It has been stated that unfortunately Biswajit Das expired on 27th August, 2020 leaving behind the applicant no. 1, his wife, and the applicant nos. 2, 3 and 4 daughters and son.

It is submitted by Mr. G.P. Banerjee, learned advocate appearing on behalf of the applicants that after the notice for moving the original application was served, the Deputy Director of Textiles (Sericulture), Suri, Birbhum, the respondent no. 4 had disbursed a sum of Rs. 15,04,005/- to the private respondent no. 6 which is unfortunate as the said respondent should have restrained himself from disbursing the amount. Since a further amount of Rs. 3,59,000/- of leave salary is still lying with the State respondents and could not be disbursed due to the interim order passed on 26th July, 2021 as the private respondent no. 6 is the nominee and the custodian of the amount, direction may be issued on the said private respondent to distribute the amount. According to Mr. Banerjee, his clients are entitled to 50% of the total amount.

Mr. S. Ghosh, learned advocate appearing on behalf of the State respondents submits that since the private respondent no. 6 is the nominee, in terms of Rule 100 of the Death-cum-Retirement Benefits Rules, 1971, the respondent no. 4 had disbursed the amount of Rs. 15,04,005/-.

Mr. M.N. Roy, learned advocate for the private respondent no. 6 does not dispute that his client is the nominee and the custodian of the amount. Submission is that his client would retain the money till appropriate order is passed by the competent Civil Court.

Having heard the learned advocates for the parties and considering the facts and circumstances of the case, the application is disposed of by granting liberty to the applicants and the private respondent no. 6 to apply before the competent Civil Court ventilating their grievances.

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(SOUMITRA PAL)
CHAIRMAN