

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Bikash Bhavan, Salt Lake, Kolkata – 700 091.**

**Present-**

**The Hon'ble Mrs. Urmita Datta (Sen), Member(J)**

**Case No. – OA-471 of 2021**

**Keya Majumdar VERSUS – The State of West Bengal & Ors.**

Serial No. and Date of order	For the Applicant	:	Mr. S.K. Nandi, Learned Advocate.
	For the State Respondents	:	Mr. B.P. Roy, Learned Advocate.
<u>02</u> 15.03.2022	For the Pr. A.G.W.B.		Mr. B. Mitra.

With the consent of the all the parties, matter has been taken up for hearing.

The instant application has been filed by the applicant praying for family pension and other retiral benefits. As per the applicant, she approached the respondent authority claiming to be the wife of the deceased employee, however, the respondents had asked her to submit succession certificate vide Memo dated 02.11.2016. Thereafter, the applicant filed a Title Suit for declaring her as a wife of the deceased employee vide Title Suit No. 1230 of 2015 before the Learned 1<sup>st</sup> Civil Judge, Junior Division at Howrah. The said suit was contested by mother of the deceased employee, which was ultimately disposed of vide judgement dated 18.12.2017 declaring the applicant as a legally married wife, which has not been challenged by the mother. Thereafter, the counsel for the applicant had communicated the said judgement to the respondents vide letter dated 18.05.2018. However, till date neither she has received any family pension nor any retiral benefits.

During the course of hearing, the counsel for the respondent has placed one Memo No. 3045/RO dated 05.09.2018 and has submitted that one report was placed by the S.P. (GR.P.) Howrah whereby they have considered the judgement of the Title Suit dated 18.12.2017 and has sent it to the Learned L.R. for his opinion.

The counsel for the respondent has also submitted the communication made by the D.I.G. of Police (P & W), W.B. to the S.P. (GR.P),

**ORDER SHEET**

Form No.

Keya Majumdar

Case No. **OA-471 of 2021**

Vs.

The State of West Bengal & Ors.

Howrah along with extract of the operative portion of opinion of Learned L.R., Govt. Of West Bengal vide Memo dated 2797-Wel/PN dated 30.09.2019, whereby the Joint L.R. had noted his opinion on 29.08.2019. Let the copy of both the Memos dated 05.09.2018 and 30.08.2018 be kept with the record.

However, the counsel for the respondent has submitted that they are ready to make payment with regard to family pension and other retiral benefits as per rules taking into account the opinion of the Learned L.R.

The departmental representative of the A.G.W.B. has placed one letter dated 07.03.2020, whereby they have asked to submit the papers relating to family pension and other retiral benefits. Let the copy of the letter be kept with the record.

Heard all the parties and perused the records. It is noted that the judgement dated 18.12.2017 in the Title Suit of 1230 of 2015 is available with the respondents, where the Learned L.R. has already given his opinion in the year 2019. However, till date no steps have been taken by the respondents to disburse the family pension and other retiral benefits.

In view of above, Respondent No. (3) is directed to take appropriate steps for disbursement of family pension and other retiral benefits to the applicant taking into account the judgement dated 18.12.2017 passed in Title Suit No. 1230 of 2015 as well as Learned L.R.'s opinion and disburse the same as per provisions of the D.C.R.B. Rules as well as settled principle of law and to take decision and to communicate the said decision by way of reasoned and speaking order with follow up action within a period of three months from the date of receipt of the order. Accordingly, OA is disposed of with no order as to costs.

**ORDER SHEET**

Form No.

Keya Majumdar

Case No. **OA-471 of 2021**

**Vs.**

The State of West Bengal & Ors.

Since the circumstances beyond control, the Registry is unable to furnish plain copies of this order to the learned advocates for the parties, the Registry is directed to upload this order on the website of the Tribunal forthwith and parties are directed to act on the copies of the order downloaded from the website.

URMITA DATTA (SEN)  
MEMBER (J)

sc