

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman.

& The Hon'ble Sayeed Ahmed Baba, Administrative Member.

Case No. –OA-508 of 2020.

Smt. Sumita Sikder. - VERSUS – The State of West Bengal and Others.

Serial No. and Date of order	For the Applicant	: Mr. P. Ghosh, Advocate.
<u>03</u> 1.10.2021.	For the State Respondents	: Mr. G. P. Banerjee, Advocate.
	For the Principal Accountant General (A&E), West Bengal.	: Mr. B. Mitra, Departmental Representative.

Let affidavit of service filed be kept on record.

Since despite service of notice none appears on behalf of the State respondents, Mr. G. P. Banerjee, learned advocate, who normally appears on behalf of the State respondents, is requested to appear in this matter. Let a copy of the application be served on him which is served and accepted. The Legal Remembrancer, West Bengal is directed to regularise the appointment of Mr. Banerjee.

It is submitted by Mr. P. Ghosh, learned advocate for the applicant that though the matter has appeared under the heading “To Be Mentioned” since the matter relates to grant of family pension and representation to that effect is pending for considering before the State respondents, the matter may be heard to which Mr. Banerjee as well as Mr. B. Mitra, the departmental representative for the Principal Accountant General (A&E), West Bengal – the respondent no. 3(iii), do not oppose.

In the application, Sumita Sikder, – wife of Shyamal Kumar Sikdar, a government employee - has prayed for several reliefs, the relevant portion of which is as under :

“a) To pass an order commanding upon the

ORDER SHEET

Form No.

Smt. Sumita Sikder.

Case No. **OA-508 of 2020.**

Vs.

The State of West Bengal and Others.

respondent authorities to disburse the family pension in favor of the applicant; arrear pension of her husband and other admissible service benefits within stipulated period of time.

b) To pass an order commanding upon the respondent authorities to dispose of the representations dated 18.6.2020, 26.6.2020 and 12.8.2020 and take a favourable decision to disburse the family pension; arrear pension of her husband and other admissible service benefits in favour of the applicant immediately.”

Shyamal Kumar Sikdar who had superannuated on 31st January, 2013, had expired on 7th May, 2020.

It is submitted by Mr. Ghosh since the husband of the applicant had left behind, apart from the applicant, two sons and is entitled to family pension, appropriate order may be passed. Submission is though a divorce suit was filed and Court had directed grant of maintenance, till the date of death of the husband of the applicant, the marriage subsisted. Submission is though representations, as evident from pages - 48 to 54 of the application, were filed before the respondents, no action has been taken. Aggrieved this application has been filed.

Mr. Banerjee submits that, if directed, the respondent authorities will consider the matter in accordance with law.

Mr. B. Mitra, the departmental representative adopts the submission of Mr. Banerjee.

Having heard the learned advocates for the parties and considering

ORDER SHEET

Form No.

Smt. Sumita Sikder.

Case No. **OA-508 of 2020.**

Vs.
The State of West Bengal and Others.

the facts and circumstances of the case, the application is disposed of by granting liberty to the applicant to file representation ventilating her grievances before the Deputy Secretary and Additional Registrar, West Bengal Information Commission, Government of West Bengal – the respondent no. 3(ii) within four weeks from the date of obtaining a copy of this order downloaded from the website of the Tribunal. If representation is filed before the said respondent no. 3(ii), the said respondent shall dispose of the same by passing a reasoned order to be communicated to the parties within fifteen weeks after giving an opportunity of hearing to the applicant and her two sons and after making necessary enquiry and after verifying the records. If it is found that the applicant is entitled for family pension, the said respondent no, 3(ii) shall indicate the formalities to be complied with in the reasoned order within a fortnight and the applicant shall comply the same expeditiously. After compliance of formalities by the applicant, the said respondent no. 3(ii) shall send it within a fortnight to the Accountant General (A&E), West Bengal – the respondent no. 3(iii) who shall issue necessary orders regarding grant of family pension within eight weeks in accordance with law.

Since for 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.

(SAYEED AHMED BABA)
MEMBER (A)

(SOUMITRA PAL)
CHAIRMAN

S.M.