

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-519 of 2023

Anupriya Tirkey. -- VERSUS – The State of West Bengal & Others

Serial No. and
Date of order

For the Applicant

: Mrs. Malabika Roy (Dey),
Learned counsel.

06
21.03.2025

For the State Respondents

: Mrs. Sonali Mitra,
Learned counsel.

For the Private Respondent
Nos. 4 and 5.

: None.

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.

The applicant, Anupriya Tirkey claiming to be the wife of the deceased employee, Denis Anup Lakra has sought the remedy of getting the family pension and other terminal benefits. In this regard, to substantiate her point of being the legally married wife, she has submitted a Certificate of Marriage issued by the Marriage Officer, Ranchi, Jharkhand. As it appears from this certificate, the applicant's marriage with Denis Anup Lakra was registered on 25.05.2018. Besides this certificate, the applicant has enclosed two photographs which according to the applicant are the photographs of them as the married couple.

Denis Anup Lakra died on 12.08.2021 while serving as an Inspector of Police, Cyber Police Station, Lalbazar, Kolkata. He is survived by his wife, Anupriya Tirkey and his parents. By filing this application, Anupriya Tirkey has prayed for directions to the respondent authorities to sanction her family pension and other terminal benefits.

Thaddeus Lakra, the father and Sushila Lakra, the mother of the deceased employee are the Private Respondents in this application and have disputed the claim of the applicant. Their main argument expressed through counsel, was that her marriage was not in conformity with the custom of their

Form No.

Case No. **OA-519 of 2023.**

Vs.

The State of West Bengal & Ors.

society. As per their custom, such a marriage should have been solemnised in a church and such a marriage certificate should have been issued by the concerned Pastor. Further, submission was that the second marriage of the deceased employee with the applicant took place while the first marriage was in subsistence.

The records in this application show that the deceased employee had married the applicant on 25.05.2018. Copies of the marriage certificate signed by the Marriage Officer, Ranchi, Jharkhand dated 25.05.2018 and also copy of such marriage registered on the same day i.e., on 25.05.2018 are evident. Both these certificates also have the name and signature of Sushila Lakra, the mother of the deceased employee. Two colour photographs enclosed with this application shows the applicant with the deceased employee, Denis Anup Lakra. The Tribunal also learns that the deceased employee had divorced his first wife and such divorced took place on 26.06.2018, a month after his marriage with the applicant. Such fact about the first wife and the divorced has been reported by the parents of the deceased employee. In their affidavit in reply, a Certificate of Annulment issued by the Judicial Vicar, Interdiocesan Ecclesiastical Tribunal of Calcutta, Church of Christ the King on 27th July, 2018 confirms that on this day the marriage of Denis Anup Lakra with Shilpi Anupama Minz stood null and void from 26th June, 2018.

From the submissions of the learned counsels, the Tribunal observes that following issues are to be examined and decided :-

1. What is the status of the instant applicant ? Whether she is the legally married wife of the deceased employee or Not ?
2. Whether any disciplinary action ever took place against the deceased for his marriage with the instant applicant ?
3. Whether there is any other person claiming to be the wife of the

Form No.

Case No. **OA-519 of 2023.**

Vs.

The State of West Bengal & Ors.

deceased employee ?

4. Whether any succession certificate is required in this case, to ascertain the legal heirs or not ?

Firstly, the applicant is the legally married wife of the deceased employee, their marriage was registered and the certificate of marriage is produced before the concerned authorities as well as annexed in the instant Original Application.

Secondly, had there been an offence committed by the deceased employee by marrying the instant applicant for the second time, then there would have been a disciplinary proceeding initiated by the authorities against the deceased employee during his lifetime. But that did not happen. Thus it can be rightly taken for granted that the instant applicant is the legally married wife of the deceased employee and a legal heir of the deceased employee.

Thirdly, the question of ambiguity regarding the legal heirs and successors does not arise at all. It is an undisputed fact, that, presently, there are three legal heirs and successors of the deceased, viz., (i) Parents i.e., Father and Mother of the deceased being Respondent nos. 4 and 5; and (ii) Wife, i.e., the instant applicant.

Be it mentioned here that there is no other person claiming to be the wife of the deceased employee. In fact the registered marriage is also not disputed by the parents of the deceased rather it is a fact they have admitted that the mother-in-law signed in the said document of marriage as a witness. Thus the status of the instant applicant cannot be denied and/or proved wrong by simply trying to disown her.

It is also a fact that the instant applicant simply wants her own share of death-cum-pensionary benefit, and she also wants her parents-

Form No.

Case No. **OA-519 of 2023.**

Vs.

The State of West Bengal & Ors.

in-law to get their portion. She never claimed the entire benefits to be disbursed to her only. On the contrary the Parents-in-law wants to disown the applicant and wants the entire benefits by depriving the applicant.

Having heard the submissions of the learned counsels and after proper examination of all the records, the Tribunal is clear that since none of the relationship is denied, in fact the status of all the three persons and/or legal heirs are established and admitted, the question of ambiguity does not arise at all, and hence no succession certificate is required to be obtained and produced, to claim themselves to be the legal heirs and successors of deceased, Denis Anup Lakra, as asked for by the Respondent Authorities.

It is also a fact in the records that the deceased employee married the applicant, Anupriya Tirkey on 25.05.2018 whereas the divorce from his first wife, Shilpi Anupama Minz came into effect on 26.06.2018, only a month after such re-marriage with Anupriya Tirkey. Such overlap of one month is certainly due to the formalities required to obtain a divorce. Shilpi Anupama Minz, the divorced wife has not objected to the prayers of the applicant in this application. It is also important to note the first marriage was legally dissolved and such divorced never became a hurdle after the marriage with Anupriya Tirkey was contracted. The Tribunal is also aware of the fact that the applicant is in a position of valid marriage certificate. Therefore, her claim of being wife of the deceased employee cannot be disputed. It has also become clear to the Tribunal that both the parents of the deceased employee were not only aware of their son's marriage ceremony with Anupriya Tirkey but as records show they were also part of the marriage and the signature of the mother, Sushila Lakra is clearly visible in the Marriage Certificate. Although, it is sad for the parents to have lost their son but they cannot also deny the fact that Anupriya Tirkey was the wife and now widow of the deceased employee. Therefore, their objection in releasing the family pension and share of other terminal benefits to the

Form No.

Case No. **OA-519 of 2023.**

Vs.

The State of West Bengal & Ors.

applicant is unreasonable and not valid in the eyes of Law. The Tribunal is also aware that in the matter relating to release of family pension and other benefits, no other person has approached this Tribunal claiming to be another wife and disputing the prayers of the applicant.

Thus, from the above facts, the Tribunal is clear that Anupriya Tirkey has established her claim as the wife of the deceased employee, Denis Anup Lakra and her status as the widow of the deceased employee is accepted. Therefore, this Tribunal passes a direction to the Respondent No. 2 (iii), the Deputy Commissioner of Police (Special), Detective Department, Lalbazar, Kolkata to initiate the process of sanctioning the family pension to the applicant, Anupriya Tirkey in terms of Rule 7(e) (2) of the West Bengal Service (DCRB) Rules, 1971 within four months from the date of communicate of this order.

Regarding release of GPF, GISS, Leave Salary and Gratuity and other benefits, the Tribunal directs the Respondent No. 2 (iii), the Deputy Commissioner of Police (Special), Detective Department, Lalbazar, Kolkata to sanction these in equal shares as per rules to the three legal heirs : (i) Anupriya Tirkey – the Widow; (ii) Sushila Lakra – the Mother and (iii) Thaddeus Lakra – the Father of the deceased employee, if there is no nomination. This sanction for the above-mentioned benefits also to be completed within four months from the date of communication of this order.

With the above directions, this application is disposed of.

SAYEED AHMED BABA
Officiating Chairperson & Member (A)

S.M.