

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

**The Hon'ble Mrs. Urmita Datta (Sen), Member(J) &
Hob'ble Sayeed Ahmed Baba, Member (A_)**

Case No. – OA-639 of 2017

Jaya Ghosh VERSUS – The State of West Bengal & Ors.

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|---------------------------------|--------------------------|---|---|
| Serial No. and Date of order | For the Applicant | : | Mr. B.B. De, Learned Advocate. |
| | For the State Respondent | : | Mr. G.P. Banerjee, Learned Advocate. |
| <u>03</u> 15.12.2021 | | | |

Affidavit of service has been filed. Let it be kept with the record.

The instant application has been filed basically praying for direction upon the respondents to provide family pension as well as compassionate appointment in favour of the daughter of the deceased employee. As per the applicant, her husband died on 28.11.2014. However, he has not received any family pension from the respondents.

The counsel for the respondent has raised preliminary objection towards the maintainability of the application. As per the counsel for the respondent, the instant application is not maintainable on the ground of plural remedies. Moreover, the applicant herself has enclosed one order dated 18.05.2017 (Annexure-N). From the perusal of the said order, it would be evident that husband of the applicant was dismissed from service w.e.f. 27.05.2005, which has not been even challenged by the deceased employee during his lifetime i.e. from 2005 to 2014. Even the applicant has filed the instant application in the year 2017 though her husband died in the year 2014 without challenging the dismissal order. The counsel for the respondent has submitted that the application is barred by limitation.

The counsel for the applicant has submitted that since the applicant was not aware of dismissal of her deceased husband, therefore, there is some delay in filing the instant application.

As per the counsel for the respondent, the husband of the applicant was a dismissed employee. Therefore, granting of family pension does not arise. The counsel for the respondent has prayed for rejection of the

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instant application.

Heard both the parties and perused the records. It is noted that the applicant herself enclosed two charge sheets dated 22.02.2002 and 19.05.2003 and it has been observed that the husband of the applicant was dismissed from service on and from 27.05.2005 and died in the year 2014 and during the entire period, the husband of the applicant never preferred any appeal or file any application challenging the said dismissal orders. Therefore, as the applicant also has not challenged the dismissal order of her deceased husband, who was a dismissed employee, was not entitled to any pension. Therefore, question of family pension does not arise. Accordingly, OA is dismissed being devoid of merit.

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.

SAYEED AHMED BABA
MEMBER (A)

URMITA DATTA (SEN)
MEMBER (J)

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