

**ORDER SHEET****WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-**

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

&amp; The Hon'ble P. Ramesh Kumar, Member (A)

Case No CCP-7 of 2014Bhabani Santra –Vs- Dr. Bikram Panda, Block Medical Officer of Health, Kharipukuria Block Primary Health Centre,  
Purba Medinipur, Govt. of W.B. and Others

Serial No. and Date of order. 1	Order of the Tribunal with signature 2	Office action with date and dated signature of parties when necessary 3
<p style="text-align: center;"><u>28</u> 07.08.2018</p>	<p><i>For the Applicant : Mr. G.P. Banerjee, Advocate.</i></p> <p><i>For the Contemnor O.P.: Mr. S.N. Ray, Advocate.</i></p> <p><i>For A.G., West Bengal: Mr. B. Mitra, (Departmental Representative)</i></p> <p style="text-align: center;"><i>The Registry is directed to issue notice to the Contemnors along with the copy of this order.</i></p> <p><i>It is noted that on 28.03.2018, this court being dissatisfied with the non-compliance of the part of the order, had directed the Contemnors to be present before this court on 23.04.2018. However, again on 04.05.2018, the Contemnor was directed to comply with the order or to present personally on 17.05.2018. The Registrar was also directed to serve the copy of the order to the Contemnors through speed post, which was served on the Contemnors through speed post by 15.05.2018. Even then on 17.05.2018, as well as 03.07.2018 the Contemnors did not appear or file any compliance report. Even today none of the Contemnors are present before the Court nor have they filed any compliance report or any application for dispensation of their appearance. It seems that the Contemnors are intentionally violating the order of the Court. During the</i></p>	

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A.K.P.	<p><i>course of the day, the counsel for the respondents has tried to convince us by stating that though the other retiral benefits have already been granted to the petitioner. However, since there was no nominee for the purpose of payment of gratuity, therefore they had asked for documents to show whether the daughter of the deceased employee was married or not at the time of death of the deceased employee. However after going through Rule 98 of Chapter X of the West Bengal Services (Death cum Retirement Benefits) Rules, 1971 it transpires that as per the Notification No. 2854 – F dated 30.03.76, the issue of married or unmarried daughter has no relevancy with regard to the payment of gratuity. Therefore, on that ground, the respondents cannot sit tight over the said issue since 1995. Therefore, Contemnors are directed to comply with the order and file compliance report as well as to be present before this Court on 19.09.2018.</i></p> <p><i>The counsel for the applicant has prayed for leave to add new incumbents as Contemnor No. 1 &amp; 2. Leave is granted.</i></p> <p><i>Let the matter be listed on 19.09.2018.</i></p> <p><b>P. RAMESH KUMAR</b> <b>MEMBER (A)</b></p> <p><b>URMITA DATTA (SEN)</b> <b>MEMBER (J)</b></p>	

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