

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

Hon'ble Justice Soumitra Pal, Hon'ble Chairman.
& Hon'ble Dr. Subesh Kumar Das, Administrative Member.

CASE No.MA 19 of 2013, MA 31 of 2017 & MA 32 of 2017(OA 418 of 2010).
 SRI NARAYAN CHANDRA DEY -Vs- THE STATE OF W.B. & ORS.

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>2 12.2.2019.</p>	<p>For the Applicant : Mrs. K. Chatterjee, Mr. D. Chatterjee, Advocates.</p> <p>For the State Respondent : Mr. G.P. Banerjee, Advocate.</p> <p>By consent of Mrs. K. Chatterjee appearing along with Mr. D. Chatterjee, learned advocates for the applicant and Mr. G.P. Banerjee, learned advocate for the state respondent, the miscellaneous application being MA 19 of 2013, is treated as on day's list and is taken up for hearing along with MA 31 of 2017 and MA 32 of 2017 as well as OA 418 of 2010.</p> <p>MA 19 of 2013 has been filed for recalling the order dated 20th December, 2010 by which the original application was dismissed for non prosecution as the applicant was found absent. Since the applicant was absent, by order dated 9th July, 2013, the said application being MA 19 of 2013 was dismissed for default. Thereafter, the applicant had filed another miscellaneous application being MA 32 of 2017 for recalling the order dated 9th July, 2013 along with an application for condoning the delay, being MA 31 of 2017, in moving the</p>	

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	<p>application being MA 32 of 2017.</p> <p>The application being MA 31 of 2017 has been filed for condoning the delay in filing the application for restoration. Heard Mrs. Chatterjee and Mr. Banerjee, learned advocates for the parties. Causes shown for condoning the delay are sufficient. Therefore, delay in moving the application, being MA 32 of 2017 is condoned. Hence, the miscellaneous application being MA 31 of 2017, is allowed.</p> <p>The application being MA 32 of 2017 is taken up for hearing. Perused the application being MA 32 of 2017 for recalling the order dated 9th July, 2013 by which the miscellaneous application was dismissed for default. Causes shown are sufficient. Therefore the order dated 9th July, 2013 is recalled.</p> <p>The application, being MA 19 of 2013 is taken up for hearing. Perused the recalling order dated 20th December, 2010 by which the original application was dismissed for non appearance of the parties. Causes shown are sufficient. Therefore the order dated 20th December, 2010 is recalled. The application being M.A. No. 19 of 2013 is allowed. The application being OA No.</p>	

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	<p>418 of 2010 is restored to its file and number.</p> <p>The application being O.A. No. 418 of 2010 is taken up for hearing.</p> <p>Heard Mrs. Chatterjee and Mr. Banerjee, learned advocates for the parties.</p> <p>In this application, the applicant is the younger brother of Niva Dey, who was an employee of Health & Family Welfare Department. She was last posted at Basirhat Sub Division hospital as A.N.M. She was unmarried and had expired on 1st May, 2006. Before the death of Niva Dey her parents had expired. In this application the applicant has sought for disbursing of death benefit of Niva Dey. Prayer has also been made for granting of family pension.</p> <p>Mrs. Chatterjee appearing on behalf of the applicant submits that since the applicant is entitled to family pension, appropriate order may be passed. Moreover, direction may be issued on the respondents to disburse the amount as mentioned in the succession certificate, which has been annexed to the application.</p> <p>Mr. Banerjee, appearing on behalf of the State respondent submits that under the law the brother</p>	

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Skg.	<p>of the deceased is not entitled to family pension. Moreover, under the law the Tribunal cannot be treated to be a forum for executing the directions contained in the succession certificate.</p> <p>Heard learned advocates for the parties. Nothing has been shown how the applicant has acquired the right to receive the death benefits of Niva Dey. Moreover this Court cannot be treated to be an executing Court for implementing the directions in the succession certificate. Therefore, no order is passed on this application. The O.A. 418 of 2010 is dismissed.</p> <p>(Subesh Kumar Das) Member(A).</p> <p>(Soumitra Pal) Chairman.</p>	

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