

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

The Hon'ble Mrs. Urmita Datta (Sen), Member (J) &  
The Hon'ble P. Ramesh Kumar, Member (A).

MA-70 of 2019 ( OA- 861 of 2018)

**Rupali Sen** Vs **The State of West Bengal & 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 style="text-align: center;"><u>12</u> 06.02.2020</p>	<p>For the petitioner : Mr. C. Dutta, Learned Advocate.</p> <p>For the respondent : Mr. A. De, Departmental Representative.</p> <p>.</p> <p>The instant application has been filed praying for a direction to the respondent authority to make payment of retirement benefit of the so called father of the applicant. However, Departmental Representative of the Respondents has preliminary raised the objection with regard to maintainability of the application as neither the name of the applicant is found in the Service Book as nominee of her so called deceased father nor she can establish her identity as a daughter of the deceased employee. Therefore, according to the respondents, the identity of the applicant is in question and she has no locus standi to file the instant application. However, the counsel for the applicant has submitted that she has already filed one application before the District Magistrate, Bankura for issuance of legal heirship certificate on 22.10.2017 but till date no such legal heirship certificate issued in favour of the applicant.</p>	

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<p style="text-align: center;">12</p> <hr/> <p>06.02.2020</p> <p>Page /2</p>	<p style="text-align: center;">The Departmental Representative has submitted that the applicant got married in the year 2000 and the deceased employee died in 2003, moreover from the perusal of the application, it is noted that the wife of the deceased employee was pre deceased to him even from the perusal of the application for pensionary benefits, it is noted that she is leaving separately alongwith her husband, parents in law and children who are not dependent upon the deceased employee.</p> <p style="text-align: center;">Heard the parties and perused the record. The respondents have brought the service book of the deceased employee and after perusal of the same, it is noted that the name of the applicant is not found as nominee in the service book. Since the name of the applicant is not available in the service book, therefore, the respondents have rightly raised the objection of the identity of the applicant. It is further noted that the applicant has simply applied before the District Magistrate, Bankura, however, till date no legal heirship certificate has been issued in favour of her. Therefore, identity of the applicant has not been ascertained as a</p>	

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<p style="text-align: center;">12</p> <hr/> <p>06.02.2020</p> <p style="text-align: right;">SC</p>	<p>daughter of the said deceased employee. In this background, in our considered opinion the applicant has no locus standi at present to claim the retiral benefits of the deceased employee as a daughter unless she can prove herself as a daughter of the said deceased employee. Therefore, we do not find any reason to entertain the application. Accordingly, both the MA &amp; OA are dismissed with the above observation.</p> <p style="text-align: center;"> <b>P. RAMESH KUMAR</b>  <b>MEMBER (A)</b> </p> <p style="text-align: center;"> <b>URMITA DATTA (SEN)</b>  <b>MEMBER (J)</b> </p>	

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