# 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-79 of 2016 ( OA-656 of 2015)

N	ilima Roy Chowdhury <u>Vs</u> 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
<u>04</u> 04.02.2020	For the petitioner : Mr. S.N. Ray, Learned Advocate.	
	For the respondent : Mr. R.A. Chowdhury, Learned Advocate.	
	The instant MA application has been filed	
	praying for condonation of 9 (nine) years delay to	
	approach this Tribunal. As per the applicant, her father	
	retired in the year 1975 and thereafter he was getting	
	pension till his death on 27.11.1990. Subsequently, the	
	mother of the applicant used to receive Family Pension	
	till her death on 10.09.2006. As the applicant was already	
	above 25 years of age being unmarried daughter at that	
	point of time, she did not got any family pension as per	
	rules. However, according to the applicant, vide Memo	
	dated 29.06.2006, one amendment was made whereby	
	benefit of family pension shall be extended to the widow	
	/divorcee daughter even after attaining the age of 25	
	years till her remarriage or death subject to the condition	
	that the eligible daughter does not income exceeding	
	Rupees 2,600/- p.m. Therefore, the applicant has	
	approached this Tribunal in the year 2015 praying for	
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04	extension of that benefit.	
04.02.2020		
	We have heard the parties and perused the	
	records. It is noted that the father of the applicant retired	
	and thereafter died in the year 1990. Memo was issued in	
	the year 2006, wherein the said memo stipulated inter	
	alia :-	
	" <u>Memo No. 620-F (Pen) dated 29<sup>th</sup> June,</u>	
	<u>2006.</u>	
	1. A question has arisen whether family	
	pension is admissible to the	
	widowed/divorced daughter of a	
	Government employee/pensioner even	
	after her attaining 25 years of age.	
	2. After careful consideration of the matter,	
	the Governor has been pleased to decide	
	that the benefit of family pension shall be	
	extended to the widowed/divorced	
	daughter of State Government	
	employee/pensioner even after her	
Page /2	attaining the age of 25 years till her	
Page /2	remarriage or death. This is, however,	
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04	subject to the condition that the benefit	
04.02.2020	should not be admissible when the eligible	
	daughter has an income exceeding Rs.	
	2600/- per month from employment in	
	Government, Semi government, Statutory	
	Bodies, Corporation, Undertakings, Private	
	Sector, self employment etc.	
	3. Formal amendment of the relevant rule will	
	be made in due course.	
	4. This order will be effective from the date of	
	issue of this memorandum."	
	From the above, it is clear that the above Memo	
	is effective from the date i.e. 29.06.2006 only. However,	
	as the said memo does not have any retrospective effect	
	and admittedly father of the applicant retired in the year	
	1975 and died in the year 1990, therefore, the said	
	Memo is also not applicable in this case. Further the	
	applicant has approached this Tribunal after 9 years.	
	Therefore, admittedly the instant applicant is hopelessly	
	barred by limitation even the application for condonation	
	of delay has simply stated that she was not aware of any	
Page /3	proceeding which is valid ground for such condonation of	

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	of 2016 ( OA-656 of 2015)	
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<u>04</u> 04.02.2020	delay. As we do not find any merit in the case, therefore, no question of condonation of delay in filing the application is found. Accordingly, both the OA & MA are dismissed.	
	P. RAMESH KUMAR URMITA DATTA (SEN) MEMBER (A) MEMBER (J)	
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