

**ORDER SHEET**  
**West Bengal Administrative Tribunal**

Present.-  
The Hon'ble Justice Ranjit Kumar Bag  
&  
The Hon'ble Dr. Subesh Kumar Das

Case No. **OA - 688 of 2015**

*Rubi Bhattacharya*

Versus

*The State of West Bengal & Ors.*

Serial No. and  
date of order

Order of the Tribunal  
with signature

Office action with date  
and dated signature of  
parties when necessary.

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20/09/2018

**For the Applicant** : *Mr. G. P. Banerjee,  
Mrs. S. Agarwal,  
Ld. Advocates.*

**For the State Respondent** : *NONE.*

**For the A.G., W.B.** : *Mr. B. Mitra,  
Depttl. Representative.*

*The applicant has prayed for direction upon the respondents to grant family pension and disburse other retirement benefits in favour of the applicant.*

*It appears from the materials on record that one Tapan Kumar Bhattacharya died on January 01, 2014 while he was working as electrician in the establishment of Respondent No. 3, Executive Engineer (PWD) Electrical Division, Paschim Medinipur. It further appears from the record that one Moonmoon Bhattacharya was married to the deceased employee Tapan Kumar Bhattacharya on January 20, 1982, but the said marriage was dissolved by decree of divorce on February 22, 2008 by Lok Adalat held by District Legal Service Authority, Medinipur. The second marriage of the deceased employee Tapan Kumar Bhattacharya with Pratima Bhattacharya came to an end on January*

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	<p><i>09, 2001 when Pratima Bhattacharya died. The marriage between Pratima Bhattacharya and the deceased Tapan Kumar Bhattacharya must be treated as void under the provisions of Section 11 of the Hindu Marriage Act, 1955, as the said marriage took place during existence of marital tie between Tapan Kumar Bhattacharya and Moonmoon Bhattacharya. The Private Respondent No. 4 was born from the wedlock between Moonmoon Bhattacharya and Tapan Kumar Bhattacharya. Similarly, the Private Respondent No. 5 was born from the wedlock between Pratima Bhattacharya and Tapan Kumar Bhattacharya. It is well settled that the Respondent No. 5 is entitled to inherit property of her father, deceased Tapan Kumar Bhattacharya in spite of the fact that marriage between her mother and deceased Tapan Kumar Bhattacharya was void under the provisions of Section 11 of the Hindu Marriage Act, 1955. The marriage between the preset applicant Rubi Bhattacharya and the deceased employee Tapan Kumar Bhattacharya took place on July 04, 2008 and the said marriage was registered on the same day under the provisions of Section 13 of Special Marriage Act, 1954. It has, thus, been established from the materials on record that Tapan Kumar Bhattacharya died in harness leaving behind</i></p>	

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	<p><i>three legal heirs namely viz. (i) son, Tamal Kumar Bhattacharya (Respondent No. 4), (ii) Daughter, Tamalika Bhattacharya (Respondent No. 5) and (iii) Wife, Rubi Bhattacharya (the applicant).</i></p> <p><i>The Respondent No. 3 has already forwarded the names of three legal heirs of the deceased employee on August 08, 2017 for disbursement of retirement benefits of Tapan Kumar Bhattacharya. It appears from the documents produced on behalf of the respondent A.G., W.B. today before the Bench that the applicant, Respondent No. 4 and Respondent No. 5 are the legal heirs of the deceased employee Tapan Kumar Bhattacharya. It is relevant to point out that the Respondent No. 3 obtained one succession certificate from the Court of District Delegate at Paschim Medinipur whereby the said Respondent no. 4 is entitled to get one third share of Death Gratuity, Leave Salary, Group Insurance and GPF balance of the deceased employee Tapan Kumar Bhattacharya. The copy of the said Succession Certificate produced on behalf of the respondent A.G., W.B. is kept on record. On consideration of the amount of Death Gratuity, Cash Equivalent to Leave Salary, amount of Group Insurance benefit and amount of GPF balance of the deceased Tapan Kumar Bhattacharya reflected</i></p>	

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	<p><i>in the order dated June 05, 2014 passed by the Respondent No. 3 (Annexure H to the original application), we are of the view that all three legal heirs of the deceased employee, namely the applicant, respondent no. 4 and respondent no. 5 are entitled to get the above retirement benefits in equal one third share.</i></p> <p><i>In view of the provisions of the Rule 104 read with Rule 105 of West Bengal Services (Death-cum-Retirement Benefits) Rules 1971, the applicant being the wife of the deceased Government employee is entitled to get family pension.</i></p> <p><i>Having heard Learned Counsel for the applicant and the Departmental Representative of Respondent A.G., W.B. we direct the Respondent No. 3, Executive Engineer (PWD), Electrical Division, Paschim Medinipur to take necessary action for disbursement of amount of Death Gratuity, cash equivalent to leave salary, amount of Group Insurance and outstanding balance of GPF of the deceased employee Tapan Kumar Bhattacharya in favour of the applicant - Rubi Bhattacharya, Respondent No. 4 - Tamal Kumar Bhattacharya and Respondent No. 5 - Tamalika Bhattacharya (Giri) in equal one third share within a</i></p>	

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Csm	<p><i>period of 12 weeks from the date of communication of the order. The said Respondent No. 3 is further directed to take necessary follow up action for release of family pension of the deceased Tapan Kumar Bhattacharya in favour of the applicant within a period of 12 weeks from the date of communication of the order. With the above direction the original application is disposed of.</i></p> <p><b>S. K. DAS</b> <b>MEMBER(A)</b></p> <p><b>R. K. BAG</b> <b>MEMBER(J)</b></p>	

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