

ORDER SHEET
West Bengal Administrative Tribunal

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

Case No. **OA - 89 of 2017**

Smt Champa Roy

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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08
17/09/2018

For the Applicant : *Mr. G. Halder,*
Ld. Advocate.

For the State Respondent : *Mr. S. Ghosh,*
Ld. Advocate.

For the Private Respondent: *Mrs. S. Mitra,*
Ld. Advocate.

Vakalatnama filed on behalf of the applicant today is kept on record. Liberty is given to the Private Respondent to file copy of certificate of marriage between the Private Respondent and the deceased Government Employee and the same is kept on record.

The applicant Champa Roy has prayed for direction upon the respondents for disbursement of Family Pension and other retirement benefit of her deceased husband Manick Chandra Roy.

The contention of the applicant is that she was married to one Manick Chandra Roy on June 09, 2014 and the said marriage was registered U/s 13 of the Special Marriage Act, 1954. The further contention of the applicant is that Manick Chandra Roy died on November 26, 2016 while he was working as Constable of Police in the establishment of Respondent No. 3. It appears from the reply

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	<p><i>submitted on behalf of the State Respondents that State Respondents conducted an enquiry and found that the applicant Smt Champa Roy is the second wife of the deceased government employee Manick Chandra Roy.</i></p> <p><i>The contention made on behalf of the Private Respondent Smt. Barnali Roy is that the marriage between Smt Barnali Roy and the deceased Government Employee Manick Chandra Roy took place on May 31, 2001 and the said marriage was registered on June 28, 2001 under the provisions of the Hindu Marriage Act, 1955. There is nothing on record to indicate that the marriage solemnised between the deceased Government Employee Manick Chandra Roy and the Private Respondent Smt Barnali Roy was dissolved by decree of divorce by any competent court of law. Since the marriage of the applicant with the Government Employee Manick Chandra Roy took place during the existence of marital tie between deceased Government Employee Manick Chandra Roy and the Private Respondent Smt Barnali Roy, the second marriage of the deceased government employee is void as per provisions of the Hindu Marriage Act, 1955. The natural corollary of our above observation is that the applicant is not the legally married wife of the</i></p>	

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	<p><i>deceased Government Employee Manick Chandra Roy and as such she is not entitled to get Family Pension and other retirement benefits of the deceased Government Employee Manick Chandra Roy.</i></p> <p><i>Accordingly, the present application is dismissed. Let a Plain Copy of the order be supplied to all the parties.</i></p> <p style="text-align: center;">S. K. DAS MEMBER(A)</p> <p style="text-align: center;">R. K. BAG MEMBER(J)</p>	

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