

**ORDER SHEET****WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-****The Hon'ble Smt. Urmita Datta (Sen), Member (J)****& The Hon'ble P. Ramesh Kumar, Member (A)****Case No OA – 535 of 2018****Kiran Bala Mahata –Vs- The State of West Bengal & Others.**

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>4</u> 01.02.2019</p>	<p style="text-align: center;"><i>For the Applicant : Mrs. S. Agarwal, Advocate.</i></p> <p style="text-align: center;"><i>For the Respondent : Mr. A.K. Das Sinha, Advocate.</i></p> <p style="text-align: center;"><i>Affidavit of service filed be kept on record.</i></p> <p style="text-align: center;"><i>The instant application has been filed praying for family pension as legally married wife of the deceased employee. As per the applicant, her husband retired on 31.03.2001 as he was working as Group – D under Divisional Forest Officer, Jhargram Division. During his lifetime as well as service period, the husband of the applicant conducted second marriage challenging to which the applicant filed one MAT. Suit being No. 83 of 2001 and the Ld. 3<sup>rd</sup> Court of A.D.J. at Midnapore vide his order dated 04.04.2003 had declared the applicant as only legally married wife and marriage with the Pvt. respondent has been declared as void of ab-initio. Thereafter, the husband of the applicant died on 19.01.2018. The counsel for the applicant has prayed for family pension but the respondent has not taken any steps towards this. Being aggrieved with, she has filed the instant application.</i></p>	

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Form No. ....

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A.K.P.	<p><i>During the course of the hearing, the counsel for the applicant has submitted that it would suffice her purpose if the competent authority would be directed to consider the case of the applicant and disburse the family pension in favour of her after granting opportunity to her. The counsel for the respondent has no objection. However, he has submitted that they have to verify the claim of the applicant before disbursement of family pension in favour of her.</i></p> <p><i>In view of the above, the respondent No. 3 i.e. Divisional Forest Officer , Jhargram Division is directed to consider the claim of the applicant after granting opportunity for personal hearing both the applicant and Pvt. respondent and verifying the documents and to take decision and disburse the family pension in favour of the entitled person in accordance with Rule and communicate the said reasoned and speaking order to the applicant within a period of twelve weeks from the receipt of the order. Accordingly, the O.A. disposed of with no order as to cost.</i></p> <p><b>P. RAMESH KUMAR</b> <b>MEMBER (A)</b></p> <p><b>URMITA DATTA (SEN)</b> <b>MEMBER (J)</b></p>	