

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

Hon'ble Justice Soumitra Pal, Hon'ble Chairman.
& Hon'ble Dr. Subesh Kumar Das, Administrative Member.

Case No. OA 1024 of 2016.
 RAMENDRA GUHA – VS- STATE OF W.B. & 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>14 <hr/> 19.11.2018.</p>	<p>For the Applicant : Mr. G.P. Banerjee, Mrs. S. Agarwal, Advocates.</p> <p>For the State Respondent : Mr. S.N. Ray, Advocate.</p> <p>For Respondent No. 3 : Mr. A. Dutta, Departmental Representative.</p> <p>For the A.G. (A & E) WB : Mr. B. Mitra, Departmental Representative.</p> <p>At the very outset is submitted by Mr. G.P. Banerjee, learned advocate for the applicant assisted by Mrs. S. Agarwal, learned advocate and Mr. S.N. Ray , learned advocate for the state and Mr. A. Dutta and Mr. B. Mitra, the departmental representatives that release of LTA benefits has already been done as evident from the intimation dated 7th September, 2018 issued by the Pension sanctioning Authority & Deputy Secretary to the Government of West Bengal. The only issue which remains to be decided in this matter is grant of family pension to the applicant. It is submitted by Mr. G.P. Banerjee, learned advocate for the applicant that since the wife of the applicant had compulsorily retired on 13th</p>	

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	<p>August, 2012 and subsequently expired on 17th March, 2013, the applicant is entitled to get family pension.</p> <p>Learned advocate for the state respondent and the departmental representatives submit that the matter requires concurrence of the finance department. However, on a query, they are unable to show any notification or memorandum whereby the concurrence of the finance department is required for grant of family pension.</p> <p>In the facts and circumstances of the case, the Principal Secretary to the Government of West Bengal, Personnel and Administrative Reforms & e-Governance Department , WBCS Cell, Howrah – the respondent no. 1 is the authority to take a decision.</p> <p>Having heard the learned advocates for the parties and the departmental representatives and considering the facts and circumstances of the case, this original Application is disposed of by directing the Principal Secretary to the Government of West Bengal , Personnel and Administrative Reforms & e-Governance Department , WBCS Cell, Howrah – the respondent no. 1 to dispose of the matter regarding grant of family</p>	

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Skg.	<p>pension to the applicant by passing a reasoned order to be communicated to the parties within twelve weeks from the date of presentation of a copy of this order after giving an opportunity of hearing to the applicant and after verifying the records. If it is found that the applicant is entitled to family pension it shall be granted within ten weeks from the date of passing of the order on compliance of formalities, if any.</p> <p>Let a copy of the order dated 7th September, 2018 issued by the Pension sanctioning Authority & Deputy Secretary to the Government of West Bengal be kept on record.</p> <p>(Subesh Kumar Das) Member(A).</p> <p>(Soumitra Pal) Chairman.</p>	

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