

ORDER SHEET
West Bengal Administrative Tribunal

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

Case No. **OA-1026 of 2013**

Nirmala Singha Mahapatra

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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3

10
06/02/2020

For the Applicant : Mr. K. Kar,
Mr. S.K. Mondal,
Learned Advocates.

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

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

Liberty is given to the applicant to amend the cause-title of the original application for incorporating the Principal Chief Conservator of Forests (HOFF), West Bengal as Respondent No. 7 in course of this day.

The applicant has prayed for direction upon the respondents for grant of family pension and other benefits of service of her deceased husband Dhananjay Singha Mahapatra. The contention of the applicant is that Dhananjay Singha Mahapatra was appointed as Forest Guard in terms of order dated February 14, 1959 issued by the Divisional Forest Officer, Bankura Division. He rendered service till the month of September 1970, though he received salary only for 34 months till the month of September, 1970. He died on July 16, 2009 without receiving any pension and retirement benefits. We have not been informed what would have been the date of retirement of Dhananjay

ORDER SHEET – (Continuation)

Form No.

Nirmala Singha Mahapatra
.....

Vs

The State of West Bengal & Others.
.....Case No. **OA-1026 of 2013**

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>Singha Mahapatra had he not died on July 16, 2009. We have been informed that the Service Book of Dhananjoy Singha Mahapatra is not available in the office of the Divisional Forest Officer, Bankura Division and as such the service particulars of the said deceased employee could not be placed before us.</p> <p>Having heard Learned Counsel representing both parties and the Departmental Representative of the respondent A.G., W.B. we are not in a position to decide whether Dhananjoy Singha Mahapatra, husband of the applicant rendered continuous service for more than 10 (ten) years, which is qualifying period of service for grant of pension in terms of provisions of West Bengal Services (death-cum-retirement benefits) Rules, 1971. In the absence of production of service records of the deceased employee, we are not in a position to comprehend what would have been the retirement benefits of Dhananjoy Singha Mahapatra and whether the present applicant being the wife of the deceased Dhananjoy Singha Mahapatra is entitled to get family pension in terms of the provisions of West Bengal Services (death-cum-retirement benefits) Rules, 1971.</p> <p>In view of our above observations, we direct the Respondent No. 7, Principal Chief Conservator of Forests (HOFF), West Bengal to take a decision whether the</p>	

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Csm	<p>applicant is entitled to get family pension and other retirement benefits of her deceased husband Dhananjay Singha Mahapatra on verification of records in accordance with the provisions of West Bengal Services (death-cum-retirement benefits) Rules, 1971 by passing a reasoned order within a period of 12 (twelve) weeks from the date of communication of the order. With the above direction, the original application stands disposed of.</p> <p>Let a Plain Copy of the order be supplied to both parties.</p> <p style="text-align: center;">S. K. DAS MEMBER(A)</p> <p style="text-align: center;">R. K. BAG MEMBER(J)</p>	