

**ORDER SHEET****WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-****The Hon'ble Justice Soumitra Pal (Chairman)****& The Hon'ble Dr.Subesh Kumar Das (Administrative Member)****Case No. OA – 1080 OF 2017****SAKSHI GOPAL MONDAL Vs. THE STATE OF WEST BENGAL**

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>05</u> 21.01.19</p>	<p>For the Applicant : Mr.H.Mondal Advocate</p> <p>For the Respondents : None</p> <p>In this application, Sakshi Gopal Mondal, the applicant, has challenged the intimation contained in the memo. dated 15<sup>th</sup> September, 2017 appearing at page 19 of the application issued by the Account Officer, Pen XI, Indian Audit And Accounts Department, Principal Accountant General (A&amp;E), West Bengal whereby his prayer to include the name of the second wife as nominee for family pension was declined. Prayer has also been made for a direction upon the respondents to consider the nomination of his second wife for family pension after the death of the first wife on the basis of the representation submitted on 10<sup>th</sup> March, 2016.</p> <p>It appears that the applicant has retired from service on 31<sup>st</sup> January, 2003. During the service tenure, the applicant had nominated Sastirani Mondal, his first wife as nominee for family pension. The first wife</p>	

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	<p>expired on 23<sup>rd</sup> December, 2014 leaving without any issue. It has been stated that during the life time of the first wife of the applicant, the applicant had married one Chalantika Mondal with the consent of the first wife on 10<sup>th</sup> March, 1986 which was duly registered before the Hindu Marriage Registrar on 26<sup>th</sup> February, 2015, the certificate of which is appearing as Annexure-A5 to the application. It has been submitted that the applicant has prayed for a direction upon the Principal Accountant General (A&amp;E), West Bengal to include the name of his <b>second</b> wife on the basis of the representation dated 10<sup>th</sup> March, 2016. It has been stated that since no steps have been taken for including the name of second wife, that is Chalantika Mondal as nominee for family pension on the basis of the representation, this application has been filed.</p> <p>It is submitted by Mr.H.Mondal, learned advocate for the applicant, that since the marriage between the applicant and Chalantika Mondal was registered on 26<sup>th</sup> February, 2015 and it was done with the consent of the first wife and as the first wife expired on 23<sup>rd</sup> December, .2014, the marriage thereafter may be deemed to be valid and appropriate order may be passed after setting aside</p>	

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	<p>the intimation contained in the memo. dated 15<sup>th</sup> September, 2017.</p> <p>Mr.B.Mitra, the Departmental representative appearing for the respondent No. 3 submits that since the marriage of the applicant with Chalantika Mondal is void in view of the provisions contained in the Hindu Marriage Act, 1955, the impugned memo is just and proper.</p> <p>Heard Mr.Mondal and Mr.Mitra. Admittedly, the applicant had superannuated on 31<sup>st</sup> March, 2003. During the service tenure the applicant had nominated his first wife Sastirani Mondal as nominee for family pension and necessary documents were prepared to that effect. The first wife expired on 23<sup>rd</sup> December, 2014. During the life time of the first wife of the applicant, "the Applicant married one Chalantika Mondal with the consent of his first wife on 10.03.1986 which has been duly registered before the Hindu Marriage Registrar on 26.02.2015" as stated in paragraph 6 E of the application. It appears from the Marriage certificate, being Annexure-A5 to the application, that the said marriage of the applicant with Chalantika Mondal was registered on 26<sup>th</sup> February, 2015 with effect from 10<sup>th</sup> March, 1986. Since</p>	

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BLR	<p>under the Hindu Marriage Act, 1955 the second marriage during the subsistence of the first marriage is void and as in the instant case, the second marriage was registered with Chanlantika Mondal on 26<sup>th</sup> February, 2015 with effect from 10<sup>th</sup> March, 1986, the said second marriage is void and as law does not recognise the second wife during the life time of the first wife, no order can be passed on this application. Hence the application is dismissed.</p> <p style="text-align: center;"> <b>(S.K.DAS)</b>  <b>MEMBER(A)</b> </p> <p style="text-align: center;"> <b>(SOUMITRA PAL)</b>  <b>CHAIRMAN</b> </p>	