

**ORDER SHEET**

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Present-**

**The Hon'ble JUSTICE RANJIT KUMAR BAG  
& The Hon'ble DR. SUBESH KUMAR DAS**

**Case No – OA 1215 OF 2016**

*Prabhabati Debi* Vs **The State of West Bengal & 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
07 <hr/> 13.09.2018	<p><i>For the Applicant : Mr. R. Dey, Learned Advocate.</i></p> <p><i>For the Respondents : None.</i></p> <p style="text-align: center;"><i>The applicant has prayed for direction upon the respondents to grant family pension on the death of her husband and for disbursement of lifetime arrears of pension of her husband.</i></p> <p style="text-align: center;"><i>None appears on behalf of the respondents on call.</i></p> <p><i>It appears from the materials on record that one Bhubaneswar Dubey, the husband of the applicant was appointed provisionally in the post of Driver subject to production of certificate of medical fitness and report of police verification by order dated April 1, 1966 issued by the Director of Transportation, Department of Food &amp; Supplies, Government of West Bengal. There is nothing on record to indicate when the applicant actually joined in the post of Driver after completion of police verification and report of medical fitness of the applicant. However, it appears from the document marked by Annexure-B to the original application that the applicant was released from Motor Transport Pool of District Manager, Food Corporation of India, Purulia on March 31, 1967 for</i></p>	

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*joining his new assignment in the Motor Transport Office of Siliguri, Food Corporation of India. We can, thus, assume that the applicant joined in the post of Driver at least in between April 1, 1966 and March 31, 1967. It further appears from the materials on record that the husband of the applicant was released from the office of District Manager, Food Corporation of India, West Dinajpur on December 4, 1972 with direction to report for duty to the office of District Manager, Food Corporation of India, Midnapore. There is nothing on record to indicate that the husband of the applicant joined in the office of District Manager, Food Corporation of India, Midnapore after his release from West Dinajpur on December 4, 1972. By referring to document marked by Annexure-G to the original application Learned Counsel for the applicant submits that the husband of the applicant worked till January 2, 1978 and thereafter he was absent from duty without intimation from January 3, 1978 till August 4, 1990. This document (Annexure-G to the original application) is a letter addressed to the Member Secretary, District Legal Aid Committee, Purulia by the District Manager, Food Corporation of India, Midnapore in connection with legal aid case no. 67 of 1976 in respect of the husband of the applicant. There are many over writings on the said letter including overwriting on the date indicating period of absence of the husband of the*

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*applicant from March 3, 1978 to August 4, 1990 without any authentication of over writing by putting initial of the District Manager, Food Corporation of India, Midnapore. We cannot consider this document for coming to the conclusion that the husband of the applicant worked as Driver till January 2, 1978 as contended on behalf of the applicant. We do not find any merit in the submission made by Learned Counsel for the applicant.*

*On consideration of the materials on record, we find that the husband of the applicant did not report for duty after release from the office of District Manager, Food Corporation of India, West Dinajpur on December 4, 1972 and thereby we are constrained to hold that the husband of the applicant completed only seven years of service. Accordingly, the husband of the applicant is not entitled to get pension as per provision of Rule 67 of West Bengal Services (Death-cum-Retirement Benefit) Rules, 197. Accordingly, the applicant is not entitled to get lifetime arrears of pension of the husband of the applicant. In view of the fact that the husband of the applicant is not entitled to get any kind of pension as Government employee, the applicant being the wife of the concerned Government employee is not entitled to get family pension as per provision of Rule 101 of West Bengal Services (Death-cum-Retirement Benefit) Rules,*

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*1971. As a result, the original application is **dismissed**.*

*Let urgent Xerox certified copy of this order be supplied to the applicant, if applied for, on priority basis after observance of all necessary formalities.*

( S.K.DAS)  
Member ( A)

( R.K.BAG)  
Member (J)

*H.S*