

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

**The Hon'ble Justice Ranjit Kumar Bag
& The Hon'ble Subesh Kumar Das**

Case No – OA 1325 of 2015.

Anjali Rajbanshi – 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
<p>10 26.03.2018.</p>	<p>For the Applicant : Mr. M. N. Roy, Mr. G. Halder, Learned Advocates.</p> <p>For the State Respondents : Mrs. Sunita Agarwal, Learned Advocate.</p> <p>For the A.G.W.B. : Mr. B. Mitra, Departmental Representative.</p> <p>The applicant has prayed for direction upon the respondents to release Provident Fund, Death Gratuity and other retirement benefits of her husband and family pension in favour of the applicant.</p> <p>It appears from the materials on record that one Ajit Kumar Rajbanshi died on January 05, 2014 while he was working as Government employee under the Superintendent of Kalna Sub Divisional Hospital in the district of Burdwan. Ajit Kumar Rajbanshi died leaving behind his first wife – Anjali Rajbanshi and second wife- Gitarani Rajbanshi, two sons from his first wife and two daughters from his second wife as legal heirs. The second wife of Ajit Kumar Rajbanshi filed OA 749 of 2014 before this Tribunal praying for retirement benefits of her husband and family pension, but the said OA 749 of 2014</p>	

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	<p>was dismissed for default on September 22, 2015. Admittedly, the retirement benefits of Ajit Kumar Rajbanshi have not been released in favour of his legal heirs after his death in harness. The present applicant Anjali Rajbanshi is the nominee of the deceased Ajit Kumar Rajbanshi to receive the amount of GPF, the amount of Group Insurance scheme and other retirement benefits of Ajit Kumar Rajbanshi . The present applicant Anjali Rajbanshi being the first wife of the deceased Ajit Kumar Rajbanshi is entitled to get family pension as per provisions of Rules 104 and 105 of West Bengal Services (Death-cum-Retirement Benefits) Rules, 1971, as the second marriage of the deceased Ajit Kumar Rajbanshi with Gitarani Rajbanshi is void under the provision of Hindu Marriage Act, 1955 by which the parties are governed.</p> <p>In view of our above observation, we direct the Respondent No. 7 , Superintendent, Kalna Sub Divisional Hospital to consider the claim of the applicant Anjali Rajbanshi to get family pension and eligibility of the legal heirs of Ajit Kumar Rajbanshi, except his second wife to get other retirement benefits including gratuity of the deceased Ajit Kumar Rajbanshi in equal share in</p>	

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Skg.	<p>accordance with law within a period of twelve weeks from the date of communication of the order.</p> <p>With the above direction the Original Application is disposed of.</p> <p>Let a plain copy of the order be supplied to both parties.</p> <p>(S.K.Das) Member (A)</p> <p>(R.K.Bag) Member(J).</p>	

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