

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

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

Case No. **OA-1336 OF 2000**

MOTI JHA & ANR. Vs. 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><u>12</u> 07.05.18</p>	<p>For the Applicants : Mrs.S.Agarwal Learned Advocate</p> <p>For the Respondent : Mr.S.N.Ray Learned Advocate</p> <p>The issue for consideration of the tribunal is whether the applicants are entitled to get retirement benefits of one Mahendra Jha. Mahendra Jha joined as G.D.A. by order of Chief Medical Officer of Health, Burdwan on September 19, 1959. He worked up to September 10, 1975 and thereafter, he was transferred to Nadia on October 28, 1975. Admittedly, Mahendra Jha did not join his new assignment in the district of Nadia. He was found missing after September 10, 1975 and ultimately, he died on April 5, 1984. The applicant No. 1 is the wife of Mahendra Jha and the applicant No.2 is the son of Mahendra Jha. The applicants have prayed for family pension in favour of applicant No.1 and other retirement benefit of Mahendra Jha like Gratuity, amount of Provident Fund and amount of Leave Encashment etc.</p> <p>Mrs.Agarwal, Learned Counsel representing the applicants submits that the applicant No.1 is receiving</p>	

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	<p>family pension. She contends that amount of General Provident Fund was not released in favour of the deceased employee or in favour of the applicants. On our query, Learned Counsel has failed to place on record the account slip of G.P.F. issued by the Senior Accounts Officer and as such, we are unable to decide the amount in the credit of the deceased employee lying in General Provident Fund. In the absence of production of account slip issued by A.G. West Bengal, we are of the view that the applicants are not entitled to get any amount of money on account of General Provident Fund of the deceased employee.</p> <p>Mr.Roy, Learned Counsel representing the State Respondents has produced copy of order dated January 27, 2016 passed by the Hon'ble Division Bench of the High Court in WPST-150 of 2011. The said WPST-150 of 2011 was preferred against order passed by the Tribunal in connection with OA-377 of 2003 which was filed by the present applicants before the Tribunal. It appears from the said order of the Hon'ble High Court that the applicants have received all terminal benefits in</p>	

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BLR	<p>connection with the employment of Mahendra Jha, since deceased. The Hon'ble High Court has categorically observed that the applicants are not entitled to get any other retirement benefits in connection with the employment of Majendra Jha, since deceased. In view of our above findings, we do not find any merit in the present application, which is liable to be dismissed.</p> <p>Accordingly, OA-1336 of 2000 is dismissed.</p> <p style="text-align: center;"> (S.K.Das) MEMBER(A) </p> <p style="text-align: center;"> (R.K.Bag) MEMBER (J) </p>	