

ORDER SHEET
West Bengal Administrative Tribunal

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

Case No. **OA - 136 of 2015**

Mitali Das Saha

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.

1

2

3

13
03/12/2018

For the Applicant : Mr. G.P. Banerjee,
Ld. Advocate.

For the State Respondent : Mrs. M. Mallick,
Ld. Advocate.

For the Pvt. Rspndt. No.5 : Mr. M. Karim,
Mr. A. Samad,
Ld. Advocates.

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

*Reply filed on behalf of the Respondent No. 5
today is kept on record.*

*The applicant has prayed for direction upon the
respondents to grant her half share of the amount of
General Provident Fund and all other service benefits of
her deceased mother, Smt Lakshmi Saha.*

*It appears from the materials on record that one
Smt Lakshmi Saha, wife of Late Nemai Chandra Saha
was appointed as Warder in Presidency Correctional
Home, Alipore on October 13, 1987. She died on March
27, 2011 leaving behind her daughter, the applicant
Smt Mitali Das (Saha) and son, the respondent No. 5 -
Amitava Saha alias Debasish Saha as legal heirs. The*

ORDER SHEET – (Continuation)

Form No.

Mitali Das Saha
.....

Vs

The State of West Bengal & Others.
.....Case No. **OA – 136 of 2015**

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><i>contention of the applicant Smt Mitali Das is that she is entitled to get the half share of Gratuity of her deceased mother and also the amount of G.P.F. and Group Insurance of her deceased mother. The Respondent No. 5 – Amitava Saha alias Debasish Saha is contesting the case by filing a reply. Learned Counsel representing the Respondent No. 5 submits that the Respondent No. 5 is not claiming the full share of G.P.F. and Group Insurance, but he is entitled to get the entire amount of G.P.F. under the law.</i></p> <p><i>Having heard Learned Counsel representing both parties and on consideration of the materials on record, we are of the view that the applicant being the married daughter is not entitled to get any share in the amount of Gratuity of her deceased mother as per provisions of Rule 7 (1)(e)(1) of West Bengal Services (Death-cum-Retirement Benefit) Rules, 1971, particularly when the marriage of the applicant took place before the death of her mother. The Status Report submitted on behalf of the A.G., W.B. indicates that a sum of Rs. 4,72,080/- has already been paid to the Respondent No. 5 as Death Gratuity of Smt. Lakshmi Saha. However, the applicant is entitled to get both the amount of G.P.F. and the amount of Group Insurance along with Respondent No. 5 in equal half share. Since the</i></p>	

ORDER SHEET – (Continuation)

Form No.

Mitali Das Saha
.....

Vs

The State of West Bengal & Others.
.....Case No. **OA – 136 of 2015**

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><i>applicant and the respondent no. 5 have not yet submitted application in the prescribed format for release of the amount of G.P.F. and Group Insurance, the authority concerned was not in a position to disburse the amount of G.P.F. and Group Insurance.</i></p> <p><i>Under the above circumstances, the applicant and the respondent no. 5 are directed to submit application in the prescribed format by giving necessary information for release of the amount of G.P.F. and the amount of Group Insurance before the Respondent No. 2, Superintendent, Presidency Correctional Home, Alipore within a period of 4 (four) weeks from this date. If such application and information are furnished by both the applicant and the respondent no. 5 within the stipulated period of time, the Respondent No. 2, Superintendent, Presidency Correctional Home, Alipore will take necessary steps for release of the amount of G.P.F. and the amount of Group Insurance in favour of the applicant and the Respondent No. 5 in equal half share as legal heirs of the deceased Smt Lakshmi Saha within a period of 12 (twelve) weeks from the date of submission of the application in the prescribed format by the applicant and the respondent no. 5.</i></p> <p><i>With the above direction the original application</i></p>	

ORDER SHEET – (Continuation)

Form No.

Mitali Das Saha
.....

Vs

The State of West Bengal & Others.
.....Case No. **OA – 136 of 2015**

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
Csm	<p><i>stands disposed of.</i></p> <p><i>Let a Plain Copy of the order be supplied to all the parties.</i></p> <p>S. K. DAS MEMBER(A)</p> <p>R. K. BAG MEMBER(J)</p>	

ORDER SHEET – (Continuation)

Form No.

Mitali Das Saha
.....

Vs

The State of West Bengal & Others.
.....Case No. **OA – 136 of 2015**

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

ORDER SHEET – (Continuation)

Form No.

Mitali Das Saha
.....

Vs

The State of West Bengal & Others.
.....Case No. **OA – 136 of 2015**

Serial No. and date of order	Order of the Tribunal with signature	Office action with date and dated signature of parties when necessary.
1	2	3