

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

Hon'ble Justice Soumitra Pal, Hon'ble Chairman.
& Hon'ble Dr. Subesh Kumar Das, Administrative Member.

CASE No. OA 227 of 2019.
 MANJU BERA -Vs- THE STATE OF W.B. & 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 style="text-align: center;">2</p> <hr/> <p>22.4.2019.</p>	<p>For the Applicant : Mr. D. K. Maity, Advocate.</p> <p>For the State Respondent : Mr. S. N. Ray , Advocate.</p> <p>For the A.G.W.B. : Mr. B. Mitra, Departmental Representative.</p> <p style="text-align: center;">Affidavit of service filed today be kept on record.</p> <p style="text-align: center;">In this application Manju Bera, the applicant, has prayed for a direction upon the respondents to grant family pension. It appears that father of the applicant Kalipada Bera was an ex-Upper Division Clerk in the office of the Executive Engineer, Lower Damodar Construction Division under the Irrigation and Waterways Directorate, Government of West Bengal, who had superannuated on 31st March, 1982 and subsequently expired on 17th April,1990. Thereafter, Angura Bala Bera, wife of late Kalipada Bera who was drawing family pension had expired on 19th December, 2016. Thereafter the applicant, the unmarried daughter, has prayed for family pension as per Government Order dated 3rd March, 2008 as evident from memo dated 24th April, 2017. It appears</p>	

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	<p>that there are five daughters of Late Kalipada Bera, three of them are married. However, the applicant herein and Jyotsna Bera are unmarried as evident from the memo dated 19th November, 2018. Mr. D. K. Maity, learned advocate appearing on behalf of the applicant submits that since the applicant is in penury and as the Executive Engineer, Lower Damodar Construction Division, Irrigation and Waterways, Fuleswar, Uluberia, Howrah – the respondent No. 4, by memo dated 28th April, 2018 addressed to the Senior Accounts Officer/Pension XI in the office of the Principal Accountant General (A & E), has resubmitted the documents in connection with the grant of pension, appropriate order may be passed.</p> <p>Mr. S. N. Ray, learned advocate appearing on behalf of the State respondent submits that the Executive Engineer, Lower Damodar Construction Division, Irrigation and Waterways, Fuleswar, Uluberia, Howrah has made a procedural mistake as he should have sent the documents to the Irrigation and Waterways Directorate and thereafter it should have been sent to the Finance Department for approval.</p> <p>Mr. B.Mitra, the departmental representative</p>	

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	<p>adopts the submission of Mr. Ray.</p> <p>Having heard Mr. Maity, Mr. Ray and Mr. Mitra and considering the facts and circumstances of the case, this application is disposed of by directing the Executive Engineer, Lower Damodar Construction Division, Phuleswar, Uluberia, Howrah – the respondent no. 1 to send necessary papers regarding grant of pension to Manju Bera to the Principal Secretary, Department of Irrigation and Waterways, Government of West Bengal, within two weeks from the date of submission of a copy of the certified copy of this order. After the documents are submitted, the Principal Secretary, Irrigation and Waterways Department, Government of West Bengal shall take a decision by passing an order after making necessary enquiry and after taking necessary approval from the Finance Department and shall forward the matter to the Senior Accounts Officer in the office of Principal Accountant General (A & E) West Bengal – the respondent no. 3 within a period of twelve weeks and thereafter the respondent no. 3 shall issue necessary orders within eight weeks. It is made clear that the decision taken by each of</p>	

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Skg.	<p>the respondents will be subject to the eligibility of the applicant.</p> <p>(Subesh Kumar Das) Member(A).</p> <p>(Soumitra Pal) Chairman.</p>	

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