

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

The Hon'ble Mrs. Urmita Datta (Sen), Member (J) & OA-359 of 2017

The Hon'ble Mr. P. Ramesh Kumar, Member (A)

Ujjwal Goswami

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 style="text-align: center;"><u>11</u> 17.04.2019</p>	<p>For the petitioner : Mr. S. Bhattacharya, Learned Advocate.</p> <p>For the respondent : Mr. A. De,, 1,3,4,5 & 6 Departmental Representative..</p> <p>For the Respondent No. 2 : Mr. B.K. Roy, Learned Advocate.</p> <p style="text-align: center;">The instant application has been filed praying for a direction upon the respondents for compassionate appointment. As per the applicant, though there was a dispute with regard to the marriage of so called parent. However, the Hon'ble High Court had made it clear that the marriage between Shyamrup Goswami and his mother was declared as void. However, he is claiming as a son of the aforesaid deceased employee and had filed an application for compassionate appointment and has prayed for pensionary benefits of the deceased employee.</p>	

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<p style="text-align: center;">11</p> <hr/> <p>17.04.2019</p> <p>Page /2</p>	<p style="text-align: center;">However, as per the respondents the deceased employee had subsequently nominated his mother to receive the retiral benefits (GPF, GIS & Death Gratuity). Further as per the order of the Hon'ble High Court, there is no such proof of identity of the applicant as a son of the deceased employee. Therefore, they could not take any decision in this regard.</p> <p style="text-align: center;">Though, counsel for the applicant has submitted that the respondents have asked for the legal heir certificate which he had already submitted. As per the respondents from the perusal of the said legal heir certificate, it is noted that Smt. Maya Bhattacharya has been declared as wife of the deceased employee whereas as per the High Court's order dated</p>	

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<p style="text-align: center;">11</p> <hr/> <p>17.04.2019</p> <p>Page /3</p>	<p>25.11.2010 there was no valid marriage between the deceased employee and Smt. Maya Bhattacharya. Therefore, the respondents are not in a position to treat him as a son of the ex-employee.</p> <p style="text-align: center;">In view of the above, as this Court has no jurisdiction and/or authority to identify and declare any person as son or otherwise as representative of the deceased employee, therefore, we remand back the matter to the S.D.L & L.R.O., i.e. Respondent No. 5 to take final decision with regard to disbursement of pensionary benefits strictly as per the rules and to communicate the decision to the applicant within a period of four months from the date of receipt of the order.</p>	

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<p style="text-align: center;">11 ----- 17.04.2019</p> <p>SC</p>	<p>Accordingly, OA is disposed of with the above observation and direction.</p> <p style="text-align: center;"> P. RAMESH KUMAR MEMBER (A) </p> <p style="text-align: center;"> URMITA DATTA (SEN) MEMBER (J) </p>	

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