## **ORDER SHEET**

# WEST BENGAL ADMINISTRATIVE TRIBUNAL

#### Present-

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

# CASE NO. OA 362 of 2019. KALIDASI ADHIKARI -Vs- THE STATE OF WEST BENGAL AND OTHERS

KALIDASI ADHIKARI –Vs- THE STATE OF WEST BENGAL AND OTHERS					
Serial No. and Date of order.	Order of the Tribunal with signature 2	Office action with date and dated signature			
1	_	of parties when necessary  3			
		3			
5					
28.6.2019.	For the Applicant : Mr. A. Santra,				
	Ms. S. Mitra,				
	Advocates.				
	For the State Respondent : Mr. S. Ghosh,				
	Advocate.				
	For the Pr. Accountant				
	General (A & E) W.B. : Mr. B. Mitra,				
	Departmental Representative.				
	In this application Kalidasi Adhikari, stated				
	to be the wife of late Ashok Adhikari, daughter of late				
	Chittaranjan Hota has challenged the order dated 30 <sup>th</sup>				
	August, 2018, being annexure "L" to this application,				
	where her claim for release of family pension has been				
	rejected on the ground that the applicant did not annex				
	the legal heir certificate in the Application.				
	On a query, Mrs. S. Mitra, learned advocate				
	for the applicant submits that admittedly the legal heir				
	certificate was obtained from the authority on 13 <sup>th</sup>				
	February, 2019 that is much after the impugned order				
	was passed. Thereafter, representation has been filed on				
	11 <sup>th</sup> March, 2019 before the Director of Health Services,				
	I.	I			

### **ORDER SHEET**

KΛ	TIDA	ISI V	ואח	KAR	
11/7	LIDE	<b>131</b> 7		$\mathbf{N}$	

F	0	r	n	n	N	١	O	
---	---	---	---	---	---	---	---	--

....

Vs.

THE STATE OF W.B. & ORS.

.....

### Case No. OA 362 of 2019.

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
	Department of Health and Family Welfare, Kolkata, appearing at pages 43 and 44 of the Original Application praying for family pension as she is the widowed daughter of late Chittaranjan Hota, a State Government employee, who was receiving pension till he died on 16 <sup>th</sup> September, 1993 and thereafter as her mother Nirmala Hota received family pension till her death on 1 <sup>st</sup> January, 2016.	
	Mr. S. Ghosh, learned advocate appearing on behalf of the State respondent and Mr. B. Mitra, departmental representative state that the copies of the original application served are without annexures and thus incomplete.	
	Since we find that from the impugned order passed by the Director of Health Services, - respondent No. 2 that the claim of the applicant for family pension has been rejected for want of legal heir certificate from the appropriate authority, which has been granted on a later date, that is on 13 <sup>th</sup> February, 2019, no order is passed on this application. The application is rejected.	

### **ORDER SHEET**

	KALIDASI ADHIKARI .	
Form No.	••••	
	Vs.	
	THE STATE OF W.B. & ORS.	

Case No. **OA 362 of 2019**.

Case NO. <b>CA 362 OI 2013.</b>					
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			
	However, this will not prevent the applicant to take sto	eps			
	for grant of family pension in accordance with law sir	nce			
	she has received the legal heir certificate subsequent	tly,			
	that is on 13 <sup>th</sup> February, 2019.				
	(Subesh Kumar Das) (Soumitra P Member (A). Chairmar				
Skg.					