

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

The Hon'ble Urmita Datta (Sen) Member (J) &
Hon'ble P. Ramesh Kumar, Member (A)

OA-377 of 2017

Gayatri Chakraborty

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><u>06</u> 14.09.2018</p>	<p>For the applicant : Mr. D. Karan, Learned Advocate.</p> <p>For the respondent : None.</p> <p>For the A.G.W.B. : Mr. B. Mitra.</p> <p>The instant application has been filed praying for following relief :-</p> <ol style="list-style-type: none"> 1. An order be passed directing the respondent authorities to grant and disburse family pension in favour of the applicant after declaring the order of the S.P. Nadia dated 16.12.2003 by the past service of the applicant's husband was treated as dies-non is illegal and not maintainable in the eye of law. 2. An order be passed directing the respondent authorities to grant and disburse all arrear pension of the applicant's husband from 16.12.2003 till his death i.e. 06.06.2012 along with interest @ 	

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<p style="text-align: center;">06 14.09.2018</p>	<p style="text-align: center;">12% per annum accrued thereon.</p> <p>3. An order be passed directing the respondent authorities to grant and disburse arrear family pension in favour of the applicant since 07.06.2012 to till date along with interest @ 12 % per annum accrued thereon.</p> <p>4. To pass such order or further order or orders as to the Hon'ble Tribunal may deem fit and proper.</p> <p>It is noted that vide order dated 16.05.2017, this Tribunal keeping the point of maintainability open, had granted opportunity to the counsel for the applicant to file an amendment application which has not been filed till date. However, husband of the applicant was dismissed w.e.f. 16.12.2003 and thereafter subsequently after 9 (nine) years, he died on 06.06.2012. However, the husband of the applicant never challenged the dismissal order during his lifetime till 2012. Subsequently, the wife of the applicant approached the deptt. vide lawyer's</p>	

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<p>06 14.09.2018</p> <p>sc</p>	<p>notice dated 12.01.2017 for grant of family pension and thereafter she has filed the instant application.</p> <p>Heard the parties and perused the application. It is noted that the deceased employee during his lifetime after his dismissal on 2003 never challenged the dismissal order which contains finality after 5 years thereafter, the applicant, the wife of the deceased employee had asked for family pension which a dismissed employee is not entitled to get as per law.</p> <p>In view of the above, we do not find any reason to entertain the application as the applicant has no locus standi to challenge the dismissal order when her husband was alive for five years and after dismissal he never challenged the said dismissal order during his lifetime. Accordingly the OA is dismissed with the above observation and direction.</p> <p>P. RAMESH KUMAR MEMBER(A)</p> <p>URMITA DATTA (SEN) MEMBER (J)</p>	

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