

**ORDER SHEET**

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Present-**

The Hon'ble Mrs. Urmita Datta (Sen), Member (J) &  
The Hon'ble Dr. Subesh Kumar Das, Member (A).

OA-52 of 2017

Sk. Jahiruddin 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>23</u> 01.10.2020</p>	<p>For the petitioner : None..</p> <p>For the respondent : Mr. S. Ghosh, Learned Advocate.</p> <p>The matter was heard on 03.03.2020 by the Bench comprising of Mrs. Urmita Datta (Sen), Member (J) and Mr. P. Ramesh Kumar, Member (A) and the matter was disposed of in the open Court by dictating order. Though the order was signed by the Member (J), however, as in the meantime, Mr. P. Ramesh Kumar has resigned from service and the pandemic situation had started therefore, the said order could not be signed by the Administrative Member. Since the matter was dictated in open court, this Bench now pass the same order in presence of both the parties. The same order is quoted below :-</p> <p style="text-align: center;">“The instant application has been filed praying for following reliefs :-</p> <p style="text-align: center;">a) <b>Your Lordships may graciously be pleased to set aside the Memo No. 2165 dated 18.11.2016 shown as annexure "B" herein and also the Labour Department's</b></p>	

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<p style="text-align: center;">23 01.10.2020</p> <p>Page /2</p>	<p><b>Notification No. 301-Emp dated 21.08.2002, No. 30-Emp dated 02.04.2008 and No. 114-Emp dated 14.08.2008.</b></p> <p>b) <b>The respondents may kindly be directed to disburse the death benefits like pension and gratuity of the deceased shares to all the legal heirs in equal share in respect of the dependent/legal heirs of the deceased employee Sk. Jamaluddin engaged in Upper Division Colerk of Health Services, Govt. of West Bengal and all other service benefits admissible to him under the West Bengal service rules and circular related thereto.</b></p> <p>c) <b>The respondents may be directed to produce the records of the case including and other documents and to certify and/or transmit the records relating to the case before the Hon'ble Tribunal so that conscionable justice may be done by quashing the order prejudicial to the interest of the applicant.</b></p> <p>d) <b>Any other or further order or orders as the</b></p>	

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<p style="text-align: center;">23</p> <hr/> <p>01.10.2020</p> <p style="text-align: right;">Page /3</p>	<p style="text-align: center;"><b>Learned Tribunal may deem fit and proper.</b></p> <p>As per the applicant, his father died on 06.09.2015 and after the death of his father, the applicant's mother made a representation before the authority on 03.12.2014 praying for disbursement of retiral benefits of the deceased employee in equal share among the heirs. However, the Chief Medical Officer of Health vide his Memo dated 28.11.2016 (Annexure—B) had proposed for settlement of retiral benefits in favour of the two widows in equal share subject to fulfilment of requisite procedures. Being aggrieved with, the said process of disbursement, the applicant made a representation to the authority praying for share of the minor son on 06.12.2016. As no response was received by the applicant and they approached this Tribunal.</p> <p>Though no reply has been filed by the official respondent, they proposed to divide equal share among the two wife's. However, since the applicant is aggrieved by that order they have prayed that an order be passed to consider the case of the applicant as per Rules. The respondent No. 5 i.e. the first wife of the applicant has</p>	

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<p style="text-align: center;">23 01.10.2020</p> <p>SC</p>	<p>Accordingly, the OA is disposed of with no order as to cost.</p> <p style="text-align: center;"> <b>SUBESH KUMAR DAS</b>  <b>MEMBER (A)</b> </p> <p style="text-align: center;"> <b>URMITA DATTA (SEN)</b>  <b>MEMBER (J)</b> </p>	

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