

**ORDER SHEET**

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Present-**

**The Hon'ble Justice Ranjit Kumar Bag  
& The Hon'ble Dr. Subesh Kumar Das**

Case No – **OA 525 of 2019**

Ila Malakar Biswas 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
06 14.10.2020	<p>For the Applicant : None. For the Respondent : None.</p> <p>None appears either on behalf of the applicant or on behalf of the respondents.</p> <p>The applicant has prayed for grant of death benefit of her deceased mother Sadhana Malakar who died in harness on February 03, 2016 while she was working as Group 'D' employee in the establishment of the respondent no. 3.</p> <p>The contention of the applicant is that Sadhana Malakar died in harness leaving behind her husband Ranu Malakar, her son Madhav Malakar and the present applicant Ila Malakar Biswas as legal heirs. The further contention of the applicant is that the father of the applicant, Ranu Malakar also died subsequently on February 09, 2018. It is also contended that the brother of the applicant, Madhav Malakar has already received appointment on compassionate ground. The grievance of the applicant is that her father and her brother have received the amount of Death Gratuity and the amount of G.P.F. and other retiral benefits of her deceased mother from the office of the respondent no. 3 by depriving the applicant of her share of retiral benefits of the deceased Sadhana Malakar.</p>	

## ORDER SHEET

Ila Malakar Biswas

Form No. ....

**Vs.**

**The State of West Bengal & Ors.**

Case No. **OA 525 of 2019**

By order dated September 26, 2019 we directed the respondent no. 2, Chief Medical Officer of Health, Murshidabad at Berhampore to submit a report with regard to the entitlement of the legal heirs of the deceased Sadhana Malakar to receive death benefits like Gratuity, G.P.F., Leave Encashment etc. within a period of 08 (eight) weeks from the date of communication of the order. It appears from record that the respondent no. 2 has submitted a report regarding death benefits of the deceased employee Sadhana Malakar. It appears from the said report dated October 31, 2019 that the respondent no. 3 has disbursed the Death Gratuity to the tune of ₹ 6 lakh in favour of the husband and the son of the deceased Sadhana Malakar. It also appears from the said report that the respondent no. 3 has disbursed ₹ 2,42,430/- towards Leave Encashment, ₹ 4,95,983/- towards balance amount of G.P.F. and ₹ 32,251/- towards Group Insurance of the deceased employee in favour of her husband Ranu Malakar.

On consideration of the report submitted by the respondent no. 3 and the materials on record, we find that the applicant being the married daughter of the deceased government employee is not entitled to the share of Death Gratuity, as she does not come within the ambit of definition of "family" provided in Rule 7(1)(e) of the West Bengal Services (Death-cum-Retirement Benefit) Rules, 1971. The retirement benefits of the deceased

# ORDER SHEET

Ila Malakar Biswas

Form No. ....

**Vs.**

**The State of West Bengal & Ors.**

Case No. **OA 525 of 2019**

government employee like Leave Encashment, balance amount of G.P.F. and amount of Group Insurance have been disbursed in favour of Ranu Malakar, the husband of the deceased government employee in terms of nomination of G.P.F. of the government employee and in terms of Government Orders by which the deceased government employee is governed. Accordingly, we are of the view that the applicant is not entitled to receive share of retiral benefits of her deceased mother from the respondent No. 3 or respondent No. 2 as prayed for. However, the applicant can move the appropriate Civil Court for getting the share of the amount of G.P.F. or Group Insurance or Leave Encashment of her deceased mother from her brother (since father already died), if so advised, but the said dispute between the applicant and her brother does not fall within the ambit of jurisdiction of the Tribunal.

Under the above circumstances, we do not find any merit in the present application and as such the present application stands **disposed of**.

( S.K. DAS )  
MEMBER(A)

( R. K. BAG )  
MEMBER (J)

Csm