

ORDER SHEET
West Bengal Administrative Tribunal

Present.-
The Hon'ble Justice Ranjit Kumar Bag,
&
The Hon'ble Dr. Subesh Kumar Das

Case No. OA 576 of 2017

Sampa Sarkar Das

Versus

The State of West Bengal & Ors.

Serial No. and date of order	Order of the Tribunal with signature	Office action with date and dated signature of parties when necessary.
1 <u>08</u> 25/04/2019	<p style="text-align: center;">2</p> <p>For the Applicant : Mr. M.K. Sanyal, Ld. Advocate.</p> <p>For the State Respondent : Mr. S. Chakraborty, Ld. Advocate.</p> <p>For the A.G., W.B. : Mr. B. Mitra, Depttl. Representative.</p> <p>The applicant has prayed for direction upon the respondents for disbursement of her share of retirement benefits of her deceased father.</p> <p>It appears from the materials on record that one Asit Kumar Sarkar died on January 01, 2016 while he was working as permanent government employee in the establishment of respondent no. 3, Block Development Officer, Beldanga-II, Murshidabad. Asit Kumar Sarkar died leaving behind 4 legal heirs namely wife Jyotsna Sarkar, son Atanu Sarkar, married daughter Champa Sarkar and married daughter Sampa Sarkar Das (who happens to be the applicant of the present application). Mr. Sanyal, Learned Counsel for the applicant contends that the applicant is entitled to get 1/4th share of the amount of General Provident Fund and the amount of Death Gratuity of his deceased father. On the other hand, Mr. Mitra, the Departmental Representative of the respondent A.G., W.B. has relied on his report and submitted that only the wife and the</p>	<p style="text-align: center;">3</p>

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	<p>son of the deceased employee are entitled to get the amount of Death Gratuity in equal half share in terms of Rule 7 (e)(1) of West Bengal Services (death-cum-retirement benefit) Rules, 1971 (in short, the D.C.R.B. Rules, 1971). He further submits that in the absence of any nomination of the deceased government employee, only the wife of the said employee is entitled to get the amount of General Provident Fund in terms of the provisions of Rule 31 (1)(b) of the General Provident Fund (West Bengal Services) Rules, 1935, as the husbands of the married daughters are alive and the son has already attained majority.</p> <p>Having heard both sides and on consideration of the provisions of Rule 7(1)(e)(1) of the D.C.R.B. Rules, 1971, we are of the view that the applicant being married daughter is not entitled to get the share of death gratuity as she does not fall within the ambit of the family of the deceased employee for the purpose of grant of Death Gratuity. On consideration of the provisions of Rule 31(1)(b) of the General Provident Fund (West Bengal Services) Rules, 1935 we find that the applicant is not entitled to get the share of General Provident Fund on the grounds that the deceased employee did not nominate any member of the family for receiving the amount of Death Gratuity and that the husband of the applicant being married is alive. In view of our above</p>	

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Csm	<p>observation, we cannot persuade ourselves to grant any share of Death Gratuity and the General Provident Fund of the deceased father of the applicant as prayed for. However, the above observation of the Bench will not affect the right of the applicant to claim her share of property of her deceased father in terms of the provisions of the Hindu Succession Act, 1956. As a result, the original application is dismissed.</p> <p>S. K. DAS MEMBER(A)</p> <p>R. K. BAG MEMBER(J)</p>	