

**ORDER SHEET**  
**West Bengal Administrative Tribunal**

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

Case No. **OA - 616 of 2014**

*Annapurna Mondal*

Versus

*The State of West Bengal & Others.*

Serial No. and  
date of order

Order of the Tribunal  
with signature

Office action with date  
and dated signature of  
parties when necessary.

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16/07/2018

**For the Applicant** : Mr. S. Srimani,  
Learned Advocate.

**For the State Respondents** : Mrs. S. Agarwal,  
Learned Advocate.

**For the Principal Accountant** : Mr. B. Mitra,  
**General (A&E), West Bengal** Departmental Representative.

*The applicant has prayed for quashing of the order of the family pension issued in favour of the respondent no. 5 and for grant of entire amount of the family pension in favour of the applicant.*

*One Nrisingha Prasad Mondal died on August 13, 2003 while he was working as Warder in Alipore Central Jail. Nrisingha Prasad Mondal contracted first marriage with one Pratima Sardar who was divorced on January 21, 1995 by an appropriate order of Learned Additional District Judge, Burdwan in Mat Suit no. 7 of 170 of 1992 (as disclosed in the pleading). Nrisingha Prasad Mondal contracted second marriage with the present applicant on March 5, 1996. The respondent no. 5 was the son from wedlock between Nrisingha Prasad Mondal and his first*

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	<p><i>wife. The applicant was getting family pension along with the respondent no.5 in equal half share up to April 3, 2012. The applicant started getting full family pension from April 4, 2012. The grievance of the applicant is that she has not been given full family pension from the date of death of her husband and as such she has prayed for full family pension from the date of death of her husband and for recovery of family pension paid to the respondent no. 5 till April 3, 2012.</i></p> <p><i>Learned Counsel for the applicant submits that the family pension of the applicant has not been revised in accordance with the provision of ROPA 2009, though documents have not been placed before us to ascertain whether or not the amount of family pension paid to the applicant at present has been revised in terms of ROPA 2009.</i></p> <p><i>Mr. Mitra, the departmental representative of respondent the A.G., West Bengal has produced the Office file to establish that the amount of basic family pension issued in favour of the applicant and the respondent no,5 was initially at the rate of Rs. 2475/- per month which was reduced after 7</i></p>	

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	<p><i>years and fixed at Rs. 1485/- per month. The specific contention of Mr. Mitra is that the total amount of reduced family pension after lapse of 7 years from the date of death of the pensioner is divided in two equal shares between the applicant and the respondent no.5. Mr. Mitra is not sure whether the said amount of basic family pension at the rate of Rs. 1485/- per month has already been revised in terms of ROPA 2009. He submits that family pension is revised sometimes by the Treasury Officer or the Bank and sometimes by the Pension Sanctioning Authority.</i></p> <p><i>Having heard the Learned Counsel for the applicant and the departmental representative of respondent the A.G., West Bengal, we are of the view that the applicant is entitled to get the revised family pension along with respondent no.5 in equal half share up to the age of 25 years of the respondent no.5 in terms of the Rule 104 of West Bengal Services (Death-cum-Retirement Benefit), Rules 1971 as modified by memo 1097-F(PEN) dated June, 1991 issued by the Finance Department, Government of West Bengal. Accordingly, the applicant is not entitled to get full</i></p>	

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	<p><i>amount of family pension from the date of death of the applicant till date of attaining 25 years of age of the respondent no.5 who happens to be son of deceased Government employee and his divorced wife.</i></p> <p><i>It appears from the materials on record that the applicant is getting full family pension with basic family pension at the rate of Rs. 1485/- per month with effect from April 4, 2012, as the half share of family pension released in favour of the respondent no.5 was stopped for attaining 25 years of age on April 3, 2012. The entries made in the Pass Book of family pension Account of the Bank of the applicant produced by Learned Counsel for the applicant before us indicate that the applicant is getting Rs.3357/- per month as total amount of family pension as on January 10, 2016. Since, materials have not been placed before us to decide whether the said amount of family pension of Rs.3357/- per month has already been revised in terms of ROPA 2009, we would like to give direction to the concerned Treasury Officer to revise the amount of family pension in terms of ROPA 2009, if not already done.</i></p>	

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	<p><i>In view of our above findings the respondent no.6. the Treasury Officer – I, Burdwan is directed to take necessary steps for release of revised family pension to the applicant in terms of ROPA 2009, if not already done, after taking necessary approval from the Pension Sanctioning Authority, if necessary, within a period of eight weeks from the date of communication of the order and communicate the same to the applicant within a period of two weeks thereafter. With the above direction the original application is <b>disposed of</b>.</i></p> <p><i>Let a plain copy of this order be supplied to all parties.</i></p> <p style="text-align: center;"><b>S. K. DAS</b> <b>MEMBER(A)</b></p> <p style="text-align: center;"><b>R. K. BAG</b> <b>MEMBER(J)</b></p>	

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