

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

**The Hon'ble JUSTICE RANJIT KUMAR BAG
& The Hon'ble DR. SUBESH KUMAR DAS**

Case No – OA 642 OF 2018

Swapna Samaddar 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;">03 <hr/>25.02.2019</p>	<p><i>For the Applicant : Mr. Subrata Ghosh, Learned Advocate.</i></p> <p><i>For the State Respondents : Mr. M.N. Roy, Learned Advocate.</i></p> <p><i>For A.G.(A&E), W.B. : Mr. B. Mitra, Departmental Representative.</i></p> <p style="text-align: center;"><i>The applicant has prayed for direction upon the respondents for granting her family pension.</i></p> <p><i>It appears from the materials on record that one Sukumar Samaddar retired from service as Assistant Sub-Inspector of Police on July 31, 2004 from the establishment of the respondent no. 4, Superintendent of Police, South 24 Parganas, Alipore. Sukumar Samaddar died on August 28, 2017 while he was receiving pension. The applicant Swapna Samaddar claiming to be the legally married wife of Sukumar Samaddar has prayed for grant of family pension. The name of the applicant Swapna Samaddar is appearing as the wife of Sukumar Samaddar in the pension payment order issued on September 09, 2004. Mr. B. Mira, the departmental representative of the respondent A.G., W.B. has placed the</i></p>	

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original pension file of Sukumar Samaddar for our consideration and perusal. It appears from the said pension file that Sukumar Samaddar gave one declaration in his own handwriting to the effect that his 1st wife Ila Samaddar died on August 21, 1992 and that his second marriage with the present applicant Swapna Samaddar was solemnized on November 09, 1992. It is crystal clear from the copy of certificate of registration of marriage between Sukumar Samaddar and Swapna Samaddar produced by the applicant that the marriage between Sukumar Samaddar and Swapna Samaddar was solemnized on January 09, 1992 as per Hindu Rites and Religion and the said marriage was registered on May 02,2001. Sukumar Samaddar while giving declaration that he contracted second marriage with Swapna Samaddar disclosed the date of solemnization of the said marriage as November 09, 1992 and a copy of the marriage certificate was also enclosed and the same is kept in the original pension file. On close scrutiny of the said copy of the certificate of marriage between Sukumar Samaddar and Swapna Samaddar we find that there was clear interpolation of the date of solemnization of marriage and the original date of solemnization of marriage is changed from January 09, 1992 to November 09, 1992. In view of clear interpolation in the copy of certificate of marriage produced by the deceased Sukumar

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Samaddar at the time of submission of his claim for pension and in view of production of copy of the said marriage certificate by the applicant showing the date of marriage as January 09, 1992, we are constrained to hold that the date of marriage between Sukumar Samaddar and the applicant Swapna Samaddar was January 09, 1992, but the deceased Sukumar Samaddar interpolated the date in the copy of the certificate of registration of marriage by showing the date of marriage as November 09, 1992 in order to give the benefit of family pension to the present applicant Swapna Samaddar.

Since it is crystal clear from the copy of certificate of marriage produced by the applicant that the marriage between Sukumar Samaddar and the applicant Swapna Samaddar was solemnized on January 09, 1992 when the first wife of Sukumar Samaddar was alive, the said marriage between Sukumar Samaddar and the present applicant Swapna Samaddar is void as per provisions of Section 5 read with section 11 of the Hindu Marriage Act, 1955. The irresistible inference of our above observation is that the present applicant Swapna Samaddar is not entitled to get family pension as legally married wife of Sukumar Samaddar.

As a result, the original application is dismissed.

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Let the original pension file be returned to Mr. B. Mitra, the departmental representative of the respondent A.G., W.B.

Let a plain copy of this order be supplied to both parties.

(S.K.DAS)
Member (A)

(R.K.BAG)
Member (J)

H.S