

ORDER SHEET
West Bengal Administrative Tribunal

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

Case No. **OA - 654 of 2014**

Kumari Lekha Chakraborty & Anr.

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.

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06/02/2019

For the Applicant : *Mr. H. Mondal,*
Ld. Advocate.

For the State Respondent : *N O N E.*

The applicants have prayed for direction upon the respondents for grant of Adhoc Family Pension in terms of G.O. No. 6153-F dated January 13, 1981 issued by the Finance Department, Audit Branch, Government of West Bengal.

The report submitted by the District Magistrate, Purba Midnapore on January 21, 2015 is placed on record.

It appears from the materials on record that one Kanailal Chakraborty was appointed as Distributor-cum-Clerk (L.D.C.) under Food Department, Government of West Bengal in the year 1948 and continued in the said service till the year 1953. He was retrenched due to withdrawal of rationing system and was posted in the office of erstwhile J.L.R.O. of Bhagawanpore in Contai Sub-Division under Collector and District Magistrate of undivided Midnapore district. Subsequently, he was transferred to the office of S.D.O. Tamluk and retired on November 01, 1958. Kanailal Chakraborty died on January 01, 1986 leaving behind

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	<p><i>his wife and two daughters namely Lekha Chakraborty and Rekha Chakraborty as legal heirs. The wife of Kanailal Chakraborty expired on January 19, 2010. The present applicants being the daughters of Kanailal Chakraborty have prayed for adhoc family pension in terms of G.O. No. 6153-F dated January 13, 1981 issued by the Finance Department, Audit Branch, Government of West Bengal.</i></p> <p><i>None appears on behalf of the state respondents. On our query, Learned Counsel for the applicant submits that the deceased employee Kanailal Chakraborty did not get pension at any material point of time and as such he is not in a position to place on record copy of P.P.O. of the deceased employee. On consideration of G.O. No. 6153-F dated January 13, 1981 issued by the Finance Department, Audit Branch, Government of West Bengal, we find that the widow of the government employee who retired from service before April 01, 1965 is entitled to get adhoc family pension of Rs. 100/- per month w.e.f. April 01, 1981, provided the said widow submits application by giving all particulars including P.P.O. of the deceased employee before the Pension Sanctioning Authority. On close scrutiny of the said G.O. of the Finance Department, Audit Branch, Government of West Bengal, we find that only widow of the deceased government</i></p>	

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	<p><i>employee retiring before April 01, 1965 is entitled to get adhoc family pension. The names of other dependant family members including minor son or unmarried daughter of the family of the deceased employee are conspicuously absent from the G.O. No. 6153-F dated January 13, 1981 issued by the Finance Department, Audit Branch, Government of West Bengal. Since limited provision of grant of adhoc family pension was introduced by the State Government only for the widow of the government employee who retired before April 01, 1965, we are constrained to hold that the applicants being the daughters of the deceased employee are not entitled to get adhoc family pension in terms of either G.O. No. 6153-F dated January 13, 1981 or in terms of Rule 101 of West Bengal Services (Death-cum-retirement benefit) Rules, 1971 particularly when the employee died about 28 years before filing the present application. The original application, thus, stands dismissed.</i></p> <p style="text-align: center;">S. K. DAS MEMBER(A)</p> <p style="text-align: center;">R. K. BAG MEMBER(J)</p>	