

ORDER SHEET**WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-**

The Hon'ble Justice Ranjit Kumar Bag
& The Hon'ble Subesh Kumar Das

Case No OA- 669 OF 2017
ARATI SANTRA Vs. 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;"><u>02</u> 06.04.18</p>	<p>For the Applicant : Mr.K.Mishra Mr.U.K.Bhattacharyya Learned Advocates</p> <p>For the Respondent : Ms.R.Sarkar (Departmental Representative)</p> <p>For the Respondent No. 6 : Mr.A.I.Ahmed Learned Advocate</p> <p>For the A.G.W.B. : Mr.B.Mitra (Departmental Representative)</p> <p>The applicant has prayed for direction upon the respondents to release family pension in favour of the applicant and the Respondent No.6 in equal share.</p> <p>It appears from the materials on record that one Bhanu Charan Santra retired on April 30, 2008 from Government service. Bhanu Charan Santra died on April 18, 2017. The family pension has already been issued in favour of Smt. Jyotsna Rani Santra, the wife of the deceased employee on the basis of declaration made by the deceased employee at the time of submission of application for grant of pension. The present applicant Arati Santra claims to be the second wife of Bhanu</p>	

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	<p>Charan Santra. By referring to copy of Marriage Certificate (Annexure-A to the original application) Learned Counsel for the applicant submits that the present applicant was married to Bhanu Charan Santra on April 8, 1998 and the said marriage was registered on September 26, 2005 as per provisions of Hindu Marriage Act, 1955. Learned Counsel for the applicant submits that the applicant being second wife is entitled to get half of the amount of family pension as per provisions of Rule 104 of West Bengal Services (Death-cum-Retirement Benefit) Rules 1971 (in short, D.C.R.B. Rules 1971).</p> <p>The original application submitted by Bhanu Charan Santra for grant of pension is produced by the respondent Principal Accountant General (A&E), West Bengal. It appears from the said application form of Bhanu Charan Santra that he disclosed the name of his first wife Jyotsna Rani Santra as the person eligible to receive family pension. Admittedly, the first wife Jyotsna Rani Santra is still alive and receiving family pension. The marriage between the applicant Arati Santra and the deceased employee Bhanu Charan Santra on April 8,</p>	

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BLR	<p>1998 was solemnized during the life time of the first wife of Bhanu Charan Santra and during the existence of marital relation between Bhanu Charan Santra and his first wife Jyotsna Rani Santra and as such the marriage between the applicant and Bhanu Charan Santra is void under the provisions of Hindu Marriage Act, 1955. It is pertinent to point out that the deceased employee and his wife and the applicant are governed under the provisions of Hindu Law. Since the marriage between the applicant Arati Santra and Bhanu Charan Santra is void, the present applicant has no status as legally married wife of Bhanu Charan Santra and she is not entitled to get family pension under the provisions of D.C.R.B. Rules, 1971. In view of our above findings, we do not find any merit in the present application and as such the original application is dismissed. The file produced by the respondent A.G.W.B. is returned.</p> <p>Let a plain copy of the order be issued to all parties.</p> <p style="text-align: center;">(S.K.Das) MEMBER(A)</p> <p style="text-align: right;">(R.K.Bag) MEMBER (J)</p>	