

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

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

Case No – OA 675 OF 2018

Supriti Roy (Sarkar) 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;">01</p> <hr/> <p>03.10.2018</p>	<p><i>For the Applicant : Mr. S. Ghosh, Mr. R.K. Mondal, Learned Advocates.</i></p> <p><i>For the State Respondents : Mr. A.L. Basu, Learned Advocate.</i></p> <p><i>For the Private Respondent : Mrs. C. Mukherjee, Mr. P.K. Dhara, Learned Advocates.</i></p> <p style="text-align: center;"><i>The applicant has prayed for direction upon the respondents to grant family pension, gratuity, cash equivalent to leave salary, amount of Group Insurance and balance amount of G.P.F. to the applicant</i></p> <p style="text-align: center;"><i>It appears from the materials on record, that one Ashis Kumar Roy died on June 02, 2016, while he was working in the post of Head Clerk in the establishment of respondent no. 3, Superintending Engineer, Mechanical & Electrical Circle and Irrigation & Waterways Directorate, Government of West Bengal. The applicant claims to be legally married wife of Ashis Kumar Roy. On the other hand the respondent no. 6 claims to be the dependent mother of Ashis Kumar Roy. The correspondences made between the respondents indicate that the legal heirs of</i></p>	

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the deceased Ashis Kumar Roy have not yet received retirement benefits including gratuity and family pension due to dispute between the applicant and the respondent no. 6 over sharing of retirement benefits and grant of family pension.

Having heard Learned Counsel representing all the parties and on consideration of the materials on record, we find that both the applicant Supriti Roy (Sarkar) and the respondent no. 6 Kamala Roy are the legal heirs of the deceased employee Ashis Kumar Roy. On consideration of the provision of West Bengal Services (Death-cum-Retirement Benefits) Rule 1971, we find that the applicant being the legally married wife of the deceased Ashis Kumar Roy is entitled to get family pension, though other retirement benefits like gratuity, cash equivalent to leave salary, amount of Group Insurance and the balance amount of G.P.F will be disbursed in favour of both the applicant and the respondent no. 6 in equal half share.

Accordingly, the respondent no. 3, Superintending Engineer, Mechanical & Electrical Circle and Irrigation and Waterways Directorate, West Bengal is directed to take necessary steps for grant of family pension in favour of the applicant within a period of 12(twelve) weeks from the date of communication of the order. The state respondent no. 3 is further directed to take necessary

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steps for release of gratuity, cash equivalent of leave salary, amount of Group Insurance and the balance amount of G.P.F of the deceased Ashis Kumar Roy in favour of the applicant and the respondent no. 6 in equal half share within a period of 12 (twelve) weeks from the date of communication of the order. The applicant and the respondent no. 6 are also directed to submit application and necessary documents before respondent no. 3 within a period of 4 (four) weeks from this date.

With the above direction, the original application is disposed of.

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

(S.K.DAS)
Member (A)

(R.K.BAG)
Member (J)

H.S

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