

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

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

Case No OA- 731 OF 2017

PUSPA RANI MAITY 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><u>01</u> 05.04.18</p>	<p>For the Applicant : Mr.S.Bhunia Mr.P.Paul Learned Advocates</p> <p>For the Respondent : Ms.R.Sarkar (Departmental Representative)</p> <p>The applicant has prayed for direction upon the respondents to issue order of payment of family pension to the applicant.</p> <p>The contention of the applicant is that one Nagendra Nath Maity retired from Government service on March 31, 1984 and got pension in due course. The further contention of the applicant is that the applicant was married to Nagendra Nath Maity on April 12, 1977 and the said marriage was registered on December 31, 2013 under the provisions of the Hindu Marriage Act, 1955. It appears from the materials on record that first wife of Nagendra Nath Maity died on October 5, 2011. So, it appears from the documents filed by the applicant that second marriage between the applicant and Nagendra Nath Maity took place during the existence of marital relation between Nagendra Nath Maity and his first wife and as such the marriage between Nagendra</p>	

ORDER SHEET

PUSPA RANI MAITY

Form No.

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BLR	<p>Nath Maity and the applicant is void under the provisions of the Hindu Marriage Act, 1955.</p> <p>The members of the family of the deceased employee, who are entitled to get family pension are enumerated in the provisions of Rule 7 (e) (2) of the West Bengal Services (Death-cum-Retirement Benefits) Rules 1971 (in short, D.C.R.B. Rules) 1971. The wife of a deceased Government employee is entitled to get family pension under the provisions of Rule 105 of D.C.R.B. Rules, 1971, but the wife must be legally married wife under the provisions of personal law by which the parties are governed. In the instance case, the marriage between the applicant and the deceased Government employee Nagendra Nath Maity is void and as such the applicant has no status as legally married wife, who is entitled to get family pension under the provisions of D.C.R.B. Rules, 1971. In view of our above findings, the original application is dismissed.</p> <p style="text-align: center;">(S.K.Das) MEMBER(A)</p> <p style="text-align: center;">(R.K.Bag) MEMBER (J)</p>	