

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

Hon'ble Justice Soumitra Pal, Hon'ble Chairman &
 Hon'ble Dr. Subesh Kumar Das, Administrative Member.

Case No. OA 924 of 2018.

SMT. SUNITA GURUNG - VERSUS- THE STATE OF W.B. & OTHERS.

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;">7</p> <hr/> <p>1.11.2019.</p>	<p>For the Applicant : None.</p> <p>For the State Respondents : Mr. R.A. Chowdhury, Advocate.</p> <p>The matter is appearing under the heading "Hearing". Even on second call, none appears on behalf of the applicant. After the matter was admitted, directions were given to file reply and rejoinder. Reply and rejoinder have been filed and are on record. Heard Mr. R.A. Chowdhury, learned advocate for the State respondents.</p> <p>In this application, Sunita Gurung, the applicant, has prayed for several reliefs, the relevant portion of which is as under :-</p> <p><i>"a)....An order directing the respondents to release family pension and other retirement benefits to the applicant with Rs. 18% interest per annum after fixing pension in the name of her husband deceased Constable Madan Gurung being No. C-1469 Employee under the State of West Bengal forthwith and thereafter release family pension in favour of the applicant.</i></p> <p><i>b) An order directing the respondents to</i></p>	

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	<p><i>consider the case of the applicant forthwith under Rule 104 and 105 of the West Bengal Services (Death-cum-Retirement Benefits) Rules, 1971...".</i></p> <p>It has been stated in the petition that the applicant is the wife of Madan Gurung, who had joined service as a constable in West Bengal Police in the year 1985 and had voluntarily retired on 31st January, 2018. Madan Gurung was living with first wife Sita Gurung and Sunita Gurung, the applicant is stated to be the second wife. It appears from records that Madan Gurung expired on 6th March, 2018 and Sita Gurung predeceased her husband. The applicant is praying for the grant of family pension on the strength of the marriage with Madan Gurung. It has been stated in the reply filed by the State that the marriage between Madan Gurung and Sunita Gurung was registered on 14th February, 2018 with retrospective effect from 2nd March, 1996 when the first wife was alive. In our view, since the said marriage cannot be given retrospective effect when first wife was alive and law does not permit second marriage during the</p>	

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Skg.	<p>subsistence of the first marriage, there is no merit in the application. The application is rejected.</p> <p>(Subesh Kumar Das) Member (A).</p> <p>(Soumitra Pal) Chairman.</p>	