

ORDER SHEET
WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present ---
The Hon'ble
&
The Hon'ble

Case No. -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 |
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AMLESH SINGH & ANR.

Form No.

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Vs.

STATE OF W.B. ORS.

Case No. OA 628 of 2015.

| 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 |
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| <p style="text-align: center;">10 06.03.2018</p> | <p>For the Applicants : Shri Masud Karim, Learned Advocate.</p> <p>For the State Respondent : Shri B.P.Roy, Shri G.P. Banerjee, Learned Advocates.</p> <p>For the A.G.W.B. : Shri B.Mitra, Departmental Representative.</p> <p>The Applicant has filed this Original Application Under Section 19 of the Administrative Tribunals Act, 1985 praying for direction upon the respondents to release retirement benefits of Late Suresh Singh in favour of the applicants along with interest.</p> <p>The contention of the applicants is that one Suresh Singh died on December 12, 2008 while he was working as Guard (Group D) under the Respondent No. 3 , Estate Manager, Kalyani, Urban Development Department, Government of West Bengal. The further contention made on behalf of the applicants is that the wife of Suresh Singh was missing from June 15, 2001 and the said fact was duly reported to the police. Suresh Singh died leaving behind his son Amlesh Singh, daughter Nisa Kumaari and wife Amala Singh Devi</p> | |

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| | <p>since missing. The mother of Suresh Singh, Premjyoti Kumari predeceased Suresh Singh.</p> <p>The grievance of the applicants is that the respondent no. 3 did not process the case of the deceased Suresh Singh for releasing retirement benefits to his legal heirs on the ground that the succession certificate was not produced. The succession certificate collected by the applicants from the court of Subordinate Judge, Saran in Bihar was produced before the Respondent No. 3 for release of pensionary benefits of Late Suresh Singh in favour of the applicants, who happen to be the son and daughter of the deceased Suresh Singh. On perusal of the letter dated August 20, 2014 issued by the Respondent No. 3 in favour of applicant no. 1 , we find that the respondent no. 3 did not act upon succession certificate issued by the Learned Subordinate Judge on the ground that there is no valid proof about missing of the mother of the applicants.</p> <p>Mr. Karim, Learned Counsel representing the applicants submits that the Learned Subordinate Judge of Bihar, who issued succession certificate in favour of the applicants has categorically observed in the order about the fact of missing of the mother of the applicants. Mr.</p> | |

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| | <p>Banerjee, Learned Counsel representing the State Respondents submits that the Respondent No. 3 may be in trouble if the mother of the applicants is found alive and if the mother of the applicants claim her share of retirement benefits in future. Since the mother of the applicants was not traceable since June 15, 2001 inspite of reporting the fact of her missing to the police and since this fact has been dealt with in detail by Learned Subordinate Judge, who issued the succession certificate in favour of the applicant No 1 , we are of the view that the respondent no. 3 was not justified in ignoring the succession certificate issued in favour of the applicant No 1 by the competent court of law. The applicants have been deprived of the retirement benefits of their father for about ten years. This delay of ten years cannot be attributed solely on the conduct of the respondent no. 3. However, the respondent no. 3 was not justified in refusing to act upon the succession certificate issued by the competent court of law by issuing letter dated August 23, 2014 in favour of the applicant No. 1 . So the respondent No. 3 should pay interest on the retirement benefits of the deceased Suresh Singh at the rate of 6.5 per cent per annum .</p> | |

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| | <p>In view of our above findings, the letter dated August 20, 2014 issued by the Respondent No. 3 in favour of the applicant No. 1 (Annexure Q to the Original Application) is set aside. The respondent no.3 is directed to process the case of deceased Suresh Singh for releasing retirement benefits in favour of the applicants on the basis of succession certificate issued by Learned Subordinate Judge, Saran, in Bihar in accordance with law within a period of twelve weeks from the date of communication of the order.</p> <p>The respondent no. 3 is further directed to grant interest on the retirement benefits of the deceased Suresh Singh at the rate of 6.5 per cent per annum for the period from August 20, 2014 till the date of release of retirement benefits of the deceased Suresh Singh in favour of the applicants.</p> <p>With the above direction, the Original Application is disposed of.</p> <p>Let a Plain Copy of the order be supplied to both parties.</p> <p>(S.K.Das) Member (A).</p> <p>(R.K.Bag) Member (J).</p> | |

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