

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

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

Case No –OA 1079 OF 2015

Smt. Hiranmayee Patra 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>11</p> <hr/> <p>14.08.2018</p>	<p>For the Applicant : Mr. S.K. Mondal, Learned Advocate.</p> <p>For the State Respondents : Mr. S.Ghosh, Learned Advocate.</p> <p>For A.G., W.B. : Mr. B. Mitra, Departmental Representative.</p> <p>The applicant has prayed for a direction upon the respondents to release family pension in favour of the applicant due to death of her husband in harness.</p> <p>The applicant claiming to be the wife of one Bhabatosh Patra submitted one application before the respondent no. 4 on June 23, 2010 praying for release of family pension and other retirement benefits of her husband. The contention of the applicant is that her husband died in the month of June, 1975, though the date of death is wrongly typed in the original application as June 11, 1976. The applicant has approached the Tribunal for family pension after lapse of forty years from the date of death of her husband. This inordinate delay of forty years in approaching the Tribunal has not been explained by the applicant either in the present application or by filing separate application under Section 21(3) of the Administrative Tribunals Act, 1985.</p>	

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Rajib	<p>The question for consideration is whether the applicant is entitled to get family pension due to death of her husband while her husband was in service.</p> <p>Learned Counsel representing the applicant fairly submits that the husband of the applicant had rendered service only for one year and nine months before his premature death. It appears from G.O. No. 5625-F dated July 27, 1981 issued by the Finance Department, Audit Branch, Government of West Bengal that benefit of family pension shall be admissible to eligible member of the family of a Government employee who dies after completion of three years of service as laid down in Rule 101(1)(b) of the West Bengal Service (Death-cum-Retirement Benefits) Rules, 1971 which has been amended and the period of service is reduced to one year by the said G.O. dated July 27, 1981. Accordingly, the present applicant has no entitlement to get family pension on the basis of rules which was prevalent at the time of death of her husband. Moreover, the application is clearly barred by limitation as laid down under Section 21 of the Administrative Tribunals Act, 1985. So, the present application is dismissed.</p> <p style="text-align: center;">(Dr. S.K. Das) Member (A)</p> <p style="text-align: center;">(R.K. Bag) Member (J)</p>	

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