

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

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

Case No –OA 197 OF 2016

Smt. Padmabati Mukherjee 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 29.08.2018</p>	<p>For the Applicant : Mr. S.N. Ray, Learned Advocate.</p> <p>For the Applicant : Mr. M.N. Roy, Learned Advocate.</p> <p>For A.G., W.B. : Mr. B. Mitra, Departmental Representative.</p> <p>The applicant has prayed for direction upon the respondents to release retirement benefits of the husband of the applicant.</p> <p>One Debi Prasanna Mukherjee, husband of the applicant was working as Assistant Operator under the Respondent No. 3, Block development Officer, Monteswar Development Block, Burdwan. He was due to retire on October 30, 1993, but he continued in the service till his death on November 28, 2004. The present applicant being the wife of the deceased employee previously moved this Tribunal by filing OA No. 8800 of 2007. On July 12, 2010, the said original application was disposed of by the Tribunal by giving direction to the respondents of the said original application to grant retirement benefits for the period excluding the period of 100 months during which the husband of the applicant worked after due date of retirement. The Tribunal observed in the said</p>	

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	<p>order that the amount received by the husband of the applicant by doing excess work for 100 months will not be recovered as he received the salary for discharge of his duty during the said period.</p> <p>With the above factual matrix, the applicant has again prayed for release of retirement benefits of her husband. The applicant has mentioned in paragraph 6 (vii) that the State respondents have already paid the amount towards General Provident Fund of her deceased husband. Since the husband of the applicant worked after due date of retirement and died while he was working in the same post after retirement, the question of grant of lifetime arrears of pension does not arise.</p> <p>Mr. S.N. Ray, Learned Counsel representing the applicant submits that the applicant is already getting family pension and as such the question of direction upon the respondents for release of family pension in favour of the applicant does not arise. The period from November 1, 1993 till November 28, 2004 when the husband of the applicant worked after the date of his normal superannuation should be treated as his re-employment in the service and as such the husband of the applicant is not entitled to get any retirement benefit for discharge of his duty during the said period. However, the applicant is entitled get only Gratuity and Group Insurance by treating the date of retirement of the husband of the applicant on October 30, 1993.</p> <p>In view of our above findings, the Respondent No. 3, Block</p>	

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Rajib	<p>Development Officer, Monteswar Development Block, Burdwan is directed to arrange for payment of Gratuity and Group Insurance to the applicant by treating the date of retirement of the husband of the applicant on October 30, 1993 within a period of 12 weeks from the date of communication of the order.</p> <p>With the above direction, the original application is disposed of.</p> <p>(Dr. S.K. Das) Member (A)</p> <p>(R.K. Bag) Member (J)</p>	

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