

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

**The Hon'ble Justice Soumitra Pal,  
& The Hon'ble Dr. Subesh Kumar Das.**

**Case No –OA-438 of 2018.****Kaberi Rani Chakraborty & others. –Vs- The State of West Bengal & 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;"><u>2</u> 18.09.2018</p>	<p><b>For the Applicants : Sk. Rejaul Alam, Advocate.</b></p> <p><b>For the Respondents : Mr. Abhijit Datta, (Departmental Representative), (Land &amp; Land Reforms Department).</b></p> <p><b>For the Principal Accountant : Mr. Biswanath Mitra, General (A&amp;E), West Bengal. (Departmental Representative).</b></p> <p>In this application, the applicants, Kaberi Rani Chakraborty and Madhuri Chakraborty, wife and mother of Late Ranadwip Chakraborty have filed this application for a direction upon the authorities to release family pension along with arrears, gratuity and other benefits with interest. It appears from the application that Late Ranadwip Chakraborty a Surveyor in the Land Acquisition Department, Purba Medinipur, had married Manimala Chakraborty according to Hindu Rites &amp; Customs on 18<sup>th</sup> December, 2004 and out of that marriage one male child - Anurag Chakraborty was born on 7<sup>th</sup> January, 2005. However, the said marriage was dissolved on mutual consent and an order was passed by the Learned District Judge, Purba Medinipur on 18<sup>th</sup> November, 2011 in MAT Suit no. 195 of 2011. It has been stated that since birth Anurag Chakraborty is</p>	

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	<p>under the custody of Manimala Chakraborty ex-wife of the deceased. After mutual divorce was granted, on 13<sup>th</sup> January, 2012 late Ratnadwip Chakraborty had married Kaberi Rani Chakaraborty and out of the wedlock on 7<sup>th</sup> November, 2012 Ayanna Chakraborty a daughter was born. Unfortunately, on 18<sup>th</sup> February, 2016 Ranadwip Chakraborty, died in a road accident leaving behind the applicant - Kaberi Rani Chakraborty, daughter Ayanna Chakraborty aged about 4 years and son born out of the first wife name - Anurag Chakraborty. It has been stated that it is evident from legal heir certificate granted by the District Magistrate, Purba Medinipur that Madhuri Chakraborty, Kaberi Rani Chakraborty, Anurag Chakraborty and Ayanna Chakraborty, mother, second wife, son out of the first marriage and the unmarried daughter respectively are the legal heirs.</p> <p>It is submitted by the learned advocate for the applicant as the applicants are in penury, appropriate order, as prayed for, may be passed.</p> <p>The departmental representative submits on instruction that after receiving the application, the Special Land &amp; Land Acquisition Officer, Tamluk,</p>	

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	<p>Purba Medinipur had informed Anurag Chakraborty that being one of the legal heirs, he is entitled to get 50 per cent share of minor family pension of Late Ranadwip Chakraborty and therefore, request was made to submit legal guardianship certificate in respect of Anurag Chakraborty, minor son of first wife Manimala Chakraborty. Thereafter, the Accounts Officer/ Pen. V in a written communication dated 18<sup>th</sup> October, 2017 addressed to the Special Land &amp; Land Acquisition Officer, Tamruk, Purba Medinipur informed that the family pension case will be processed on receipt of clarifications/documents/compliance of formalities such as submission of legal guardianship certificate in respect of Anurag Chakraborty and pension papers/service book of Late Ranadwip Chakraborty. It was also mentioned that the pension papers were returned with a request to resubmit the same along with the said documents in order to finalise the pension case.</p> <p>Having heard Mr. Alam learned advocate for the applicants and Mr. Datta, the Departmental Representative and considering the facts and</p>	

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Sourav	<p>circumstances of the case, this application is disposed of by directing the Special Land &amp; Land Acquisition Officer, Tamluk, Purba Medinipur - respondent no.-3 to dispose of the matter regarding grant of family pension to the applicants as well as to others, who are entitled, by passing a reasoned order to be communicated to the parties within ten weeks from the date of presentation of a copy of this order after giving an opportunity of hearing to the applicants as well as to the respondent no.-5 and on compliance of formalities including filing of an appropriate application showing legal guardianship certificate of Anurag Chakraborty and shall forward the same to the Accountant General (A&amp;E), West Bengal within two weeks thereafter and after receiving the said documents the Accountant General (A&amp;E), West Bengal shall dispose of the same by passing an appropriate order within four weeks.</p> <p>(DR. SUBESH KUMAR DAS) MEMBER (A)</p> <p>(SOUMITRA PAL) CHAIRMAN</p>	

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