

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

The Hon'ble Mrs. Urmita Datta (Sen), Member (J)

The Hon'ble Mr. P. Ramesh Kumar, Member (A)

Case No – OA-609 of 2019.Minati Saha. 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;">03</p> <p>-----</p> <p>24-09-2019</p>	<p>For the Applicant : Ms.A. Halder(Proxy Counsel), Advocate.</p> <p>For the State Respondent : Mr. S. Ghosh, Advocate.</p> <p>The Counsel for the respondent has vehemently submitted that the applicant has no locus standi to pray for the following reliefs :-</p> <p>A. To pass an appropriate order directing the concerned respondents to set aside and/or quash the impugned reasoned order dated 27th February, 2019 issued by the respondent no. 4, thereby giving effect to the previous reasoned order dated 25th May, 1999 issued by the respondent no. 2 and to act in accordance with law by acting in the manner stated hereinabove;</p>	

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	<p>B. To issue an appropriate order directing the concerned respondents for disbursement of family pension, gratuity and other financial benefits due to premature death of the husband of the applicant along with arrears and outstanding in accordance with respective provision of West Bengal Services (death-cum-retirement benefit) Rule 1971 forthwith pursuant to the reasoned order dated 25th May, 1999 passed by the respondent no. 2, setting aside the subsequent reasoned order dated 27th February, 2019 passed by the respondent no. 4 and to act in accordance with law by acting in the manner stated hereinabove;</p> <p>C. To pass an appropriate order directing the concerned respondents to give compassionate appointment to the elder son of the applicant in the office of the</p>	

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	<p>respondents in pursuance of the representations dated 22nd April, 1996, 18th September, 1997 and finally on 29th April, 1998 and to act in accordance with law by acting in the manner stated hereinabove;</p> <p>D. To pass an appropriate order directing the concerned respondents to transmit and authenticate the records and documents in regard to the instant case before this Hon'ble Tribunal so that conscionable justice may be done upon hearing the parties.</p> <p>E. Such further and other order or orders be passed and/or direction or directions be given as this Hona'ble Tribunal may deem fit and proper.</p> <p>As per the respondent, the applicant is the wife of deceased ex-employee Mr. Mahadeb Saha who was ex-surveillance worker, and worked</p>	

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	<p>for 17-01-1962 to 31-10-1966 and subsequently submitted a resignation letter dated 02-10-1966 and became absent with effect from 01-11-1966 thus he had worked for 3(three) years 9(nine) months and 15(fifteen) days. Subsequently the ex-employee died on 19-04-1996 and thereafter his wife approached this Tribunal in OA-507 of 2002 which was disposed of on 20-12-2017 with a direction to the respondent to pass a reasoned order. In compliance of the said order dated 20-12-2017, the competent authority had passed the reasoned order dated 27-02-2019 by way of rejecting the prayer of the applicant on the ground that since the ex-employee worked only 3(three) years 9(nine) months and 15(fifteen) days and resigned from the service. Therefore as per DCRB Rules he is not entitled to get any pension and obviously the applicant is not entitled to get any family pension. Being aggrieved with, she has filed the instant application.</p> <p>However the respondent has vehemently submitted that since the ex-employee resigned</p>	

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