

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-655 of 2018.Mita Dutta. 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;">13</p> <p style="text-align: center;">-----</p> <p style="text-align: center;">10-12-2019</p>	<p>For the Applicant : Mr. G. P. Banerjee, Mr. S. Mondal, Mr. R. Ghosh, Advocates.</p> <p>For the State Respondents : Mr. M. N. Roy, Advocate.</p> <p style="text-align: center;">The instant application has been filed praying for the following reliefs :-</p> <p><b>(a) The respondent authority concerned be directed to release the family pension and also the Provident Fund, Gratuity dues along with other benefits with interest for delay payment, of the deceased employee which the applicant is legally entitled to as per Rules.</b></p> <p><b>(b) To pass an order directing the respondent authority concerned to act in accordance with the Rules of</b></p>	

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Vs.

The State of West Bengal &amp; Others.

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	<p><b>the West Bengal Service (Death-cum-Retirement Benefit) Rules, 1971 and allow the benefit of family pension which is admissible to a Govt. employee rendering at least one year of qualifying service.</b></p> <p><b>(d) To pass such other or further order/orders as to this Hon'ble Tribunal may deem fit and proper.</b></p> <p>As per the applicant, her husband joined the service on 04-08-1980 and served up to 17-01-1987 and thereafter the husband of the applicant was on absent and ultimately died on 21-01-2011. However as per the applicant, till the death of the applicant, no disciplinary proceeding or termination order was issued with regard to the deceased employee as would be evident from the letter dated 03-10-2013 issued by the Commissioner, Backward Class Welfare to the Secretary of the Government of West Bengal. In view of the above, the Counsel for the applicant has submitted that it would</p>	

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	<p>suffice his purpose if the Secretary to the Government of West Bengal, Backward Class Welfare Department would be directed to take final decision as per the Rules and make necessary payments to the applicant within a stipulated period of time.</p> <p>The Counsel for the respondent has no objection to such proposition.</p> <p>In view of the above, the respondent no. 1 is directed to take final decision taking into account the letter dated 03-10-2013 issued by the Commissioner, Backward Class Welfare and the decision as per Rules and to communicate the same to the applicant and to pass a reasoned and speaking order and to give an opportunity of personal hearing within a period of 12(twelve) weeks from the date of receipt of this order. It is also make clear that if the applicant would be found eligible for family pension and other benefits, it should be paid</p>	

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Mihir	<p>immediately thereof. Accordingly, the OA is disposed of with no order as to cost.</p> <p><b>P. RAMESH KUMAR MEMBER(A)</b>                      <b>URMITA DATTA (SEN) MEMBER(J)</b></p>	