

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

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

Case No –OA-699 of 2017.

Sandhya Bhattacharyya. –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 |
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| <p style="text-align: center;"><u>5</u> 27.11.2018</p> | <p>For the Applicant : Mrs. Nilam Verma, Advocate.</p> <p>For the Respondents : Mr. Soumendra Narayan Ray, Mr. Shaon Bhattacharya, Advocates.</p> <p>For the State Bank of India : Ms. Swapnalekha Auddy, Advocate.</p> <p>For the Principal Accountant : Mr. Biswanath Mitra, General (A&E), West Bengal. (Departmental Representative).</p> <p>By consent of Mrs. Nilam Verma, learned advocate for the applicant, Mr. Soumendra Narayan Ray, learned advocate for the respondents, Ms. Swapnalekha Auddy, learned advocate for the State Bank of India and Mr. Biswanath Mitra, Departmental Representative for the Principal Accountant General (A&E), West Bengal though the matter has been listed under the heading "Reply/Rejoinder and Objection", the matter is taken up for hearing.</p> <p>In this application the applicant, - claiming to be the wife of late Chittaranjan Bhattacharyya, who was employed as Superintendent of Excise in the Excise Department, Government of West Bengal and posted at Balurghat at the time of retirement on 29th February,</p> | |

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| | <p>2004, - has prayed for a direction upon the respondents to release family pension and other retiral benefits of her husband which is due and unpaid after his death. It has been stated in the application that on 17th April, 1973 the applicant was married to her husband. Out of the wedlock two children, one daughter and son, were born. It has been stated that the husband of the applicant had expired on 26th January, 2016 leaving her as the widow and daughter and son, as legal heirs and successors. It has been stated that since the husband was drawing pension from the account maintained in the State Bank of India, Munshi Bazar Branch at 14, Beliaghata Main Road, Kolkata, she may be allowed family pension. Since the State Bank of India has denied family pension as the name of the applicant is not appearing in the Pension Payment Order of her husband as evident from the intimation dated 18th July, 2016, being annexure P-7 to the application, appropriate order may be passed. It has been stated that the applicant had contacted the Commissioner of Excise, Government of West Bengal - respondent no. 2 who had requested the applicant to contact the Pension Payment Order issuing authority</p> | |

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| | <p>in the Office of the Principal Accountant General (A&E), West Bengal.</p> <p>Mrs. Nilam Verma, learned advocate appearing on behalf of the applicant submits that as the marriage certificate, photographs of the marriage, voter card, Aadhaar card, PAN card demonstrate that she is the legally married wife of late Chittaranjan Bhattacharyya, appropriate order, as prayed for, may be passed.</p> <p>Mr. Soumendra Narayan Ray, learned advocate appearing on behalf of the respondents submits on instruction that it is evident from the Pension Payment Order that the name and photograph of Chittaranjan Bhattacharyya only appear. Moreover, in the Part-II of the Pension Payment Order it has been stated that <i>"THERE IS NO FAMILY/NO FAMILY MEMBER IS ELIGIBLE FOR FAMILY PENSION"</i>. Further, it is evident from the PPO that Satya Rn. Bhattacharyya, brother is the nominee. In such circumstances, it is not possible to grant family pension and other benefits in favour of the applicant. Let a copy of the Pension Payment Order filed be kept on record. Let a copy of the same be furnished to Mrs. Verma, which is served</p> | |

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| | <p>and accepted.</p> <p>Ms. Swapnalekha Auddy, learned advocate appearing on behalf of the State Bank of India, submits that she could not prepare the affidavit due to her indisposition. Submission is that the State Bank of India makes payment of pension on being authorised by the Principal Accountant General (A&E), West Bengal. On its own State Bank of India cannot make any payment.</p> <p>Having heard the learned advocates for the parties and considering the facts and circumstances of the case, as the Pension Payment Order contains the name of late Chittaranjan Bhattacharyya only and as Satya Rn. Bhattacharyya, the brother of late Chittaranjan Bhattacharyya, is the nominee and as it has been mentioned in the said order that "<i>THERE IS NO FAMILY/NO FAMILY MEMBER IS ELIGIBLE FOR FAMILY PENSION</i>", no order can be passed on this application. However, as Mrs. Verma submits that her client has documents to show that marriage was solemnised between her client and Chittaranjan Bhattacharyya, the applicant is at liberty to move</p> | |

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| Sourav | <p>before the appropriate forum for redressal of her grievances, if any and if so advised. The matter is disposed of.</p> <p>(DR. SUBESH KUMAR DAS) MEMBER (A)</p> <p>(SOUMITRA PAL) CHAIRMAN</p> | |