

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

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

Case No – OA 753 OF 2018

Smt. Namita Dutta 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
5 16.12.2019	<p>For the Applicant : Mr. G. Halder, Learned Advocate.</p> <p>For the State Respondents : Mr. M.N. Roy, Learned Advocate.</p> <p>For Private Respondents No. 6 & 7 : Mr. G.P. Banerjee, Learned Advocate.</p> <p>The applicant has prayed for direction upon the respondents for releasing gratuity and amount of GPF and the compensation in favour of the applicant.</p> <p>One Prasenjit Dutta joined as Constable of Police in the establishment of the respondent No. 4, the Commandant, State Armed Police, 8th Battalion, Barrackpore on July 7, 2012. He died on January 26, 2018 leaving behind three legal heirs – the private respondent No. 6 – Tapati Dutta as wife, the private respondent No. 7 – Tanaya Dutta as minor child and the applicant – Namita Dutta as mother. Mr. M.N. Roy, Learned Counsel representing the State respondents submits that the wife of the deceased employee was nominated for receiving the amount of GPF and family pension, and as such the amount of GPF has already been released in favour of the wife of the deceased employee. He further submits that the applicant being the mother of the deceased employee is only entitled to get 1/3 share of death gratuity and the amount of compensation in terms of the rules by which the deceased employee is governed. We also find from letter dated August 2, 2018 issued by the respondent No. 4 in favour of the applicant (annexure I to the original application)</p>	

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that the said respondent has already issued necessary order for release of death gratuity in equal 1/3 share in favour of the applicant. We are informed that the applicant has not furnished the bank details for receiving the share of the death gratuity. We have been further informed by Mr. Roy that during the pendency of the present application, the bank details have been furnished before the authority concerned by both the applicant and the private respondent No. 6.

We have heard Learned Counsel for the applicant and Learned Counsel for the private respondents.

We fail to understand why the applicant has approached this Tribunal by filing the original application without furnishing the bank details before the respondent No.4, when the respondent No. 4 has already intimated the applicant that necessary order has already been issued for release of 1/3 amount of death gratuity in her favour. It is really very unfortunate that the applicant has unnecessarily approached the Tribunal by filing the original application without furnishing the bank details before respondent No. 4 for receiving 1/3 amount of gratuity and 1/3 amount of the compensation to which she is legally entitled in terms of the rules by which the deceased employee was governed.

We do not find any merit in the present application and as such the present application is dismissed.

Let a plain copy of the order be supplied to all the parties.

S. K. DAS
MEMBER(A)

R. K. BAG
MEMBER(J)

Rajib

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