

**ORDER SHEET****WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-****The Hon'ble Justice Soumitra Pal, Hon'ble Chairman****& The Hon'ble Dr. Subesh Kumar Das, Administrative Member.****Case No –OA-915 of 2019.****Smt. Nilima Nath. –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>3</u> 17.2.2020.</p>	<p><b>For the Applicant : Mr. G. Halder, Advocate.</b></p> <p><b>For the Respondents : Mr. S. N. Ray, Advocate.</b></p> <p>In this application, Nilima Nath, the applicant, - stated to be wife of Manoranjan Nath, a Constable under the Excise Directorate, who had expired on 30<sup>th</sup> May, 2016, leaving behind the applicant, one son and one married daughter, - has prayed for several reliefs, the relevant portion of which is as under:-</p> <p style="padding-left: 40px;"><i>“i) For a direction upon the respondents to consider the prayer for release of monthly pension amount together with arrear of pension due and payable to her within a specified period.</i></p> <p style="padding-left: 40px;"><i>ii) Direct the respondents to release the pension amount together with arrear of monthly pension to the applicant in accordance with law. ”</i></p> <p>Mr. G. Halder, learned advocate for the applicant relying on the application submits since the applicant was married to Manoranjan Nath on 25<sup>th</sup> January, 1973 and had thereafter again married Baby Nath as evident</p>	

**ORDER SHEET**Smt. Nilima Nath.  
.....

Form No.

**Vs.****The State of West Bengal & Ors.**  
.....Case No. OA-915 of 2019.

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>from the suit for dissolution of marriage being Mat Suit No. 762 of 1994 filed by Manoranjan Nath and as during the pendency of the said matrimonial suit, the husband of the applicant had expired and the marriage between the applicant and late Manoranjan Nath was not dissolved by an order of the Court, appropriate order may be passed.</p> <p>Mr. S. N. Ray, learned advocate appearing on behalf of the State respondents submits on instruction that as Baby Nath and the son have not been parties in this application, the application is not maintainable for non-joinder of parties. Further as in the representation dated 16<sup>th</sup> October, 2019 it has been stated that the matrimonial suit was dismissed during the lifetime of Manoranjan Nath and no copy of the said order has been annexed to the application, no order may be passed.</p> <p>Having heard the learned advocates for the parties and considering the facts and circumstances of the case, the Original Application is disposed of by granting liberty to the applicant to file representation for grant of family pension before the Excise Commissioner, Government of West Bengal, Kolkata -</p>	

**ORDER SHEET****Smt. Nilima Nath.**

Form No. ....

**Vs.****The State of West Bengal & Ors.**Case No. OA-915 of 2019. .....

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
Sourav	<p>the respondent no. 2 within eight weeks from the date of obtaining the certified copy of this order. If such representation is filed, the Excise Commissioner shall dispose of the same by passing a reasoned order to be communicated to the parties within fifteen weeks, after giving an opportunity of hearing to the applicant and Baby Nath and after verifying the records including the orders, if any, passed in the suit being Mat Suit No. 762 of 1994 - Sri Manoranjan Nath-Vs.-Smt. Nilima Nath, as well as the order, if any, regarding dismissal of the said suit during the life of Manoranjan Nath, as evident from the representation dated 16<sup>th</sup> October, 2019 filed by the applicant before the Excise Commissioner, Government of West Bengal, appearing at pages 22 and 23 of the application.</p> <p>(DR. SUBESH KUMAR DAS) MEMBER (A)</p> <p>(SOUMITRA PAL) CHAIRMAN</p>	