

**ORDER SHEET**

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Bikash Bhavan, Salt Lake, Kolkata – 700 091.**

**Present-**

**The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson and Administrative Member**

**Case No. –OA 22 OF 2025**

**SUFIA SULTANA - VERSUS - THE STATE OF WEST BENGAL & ORS.**

Serial No. and Date of order	For the Applicant	:	Mr. Subit Kumar Mandal, Mr. Swaraj Naskar, Learned Advocates
<u>2</u>	For the State Respondents	:	None
06.03.2025	For the Private Respondent No.3	:	Mr. Masud Karim Learned Advocate

The matter is taken up by the single Bench pursuant to the order contained in the Notification No.638-WBAT/2J-15/2016 (Pt.-II) dated 23<sup>rd</sup> November, 2022 issued in exercise of the powers conferred under section 5(6) of the Administrative Tribunals Act, 1985.

Let Vakalatnama filed by Mr. Karim, learned counsel on behalf of the private respondent be kept on record.

The prayer in this application is for a direction to the respondent authorities to remove the name of the private respondent No.3 from entitlement of pensionary claims and benefits of the deceased government employee by setting aside the memo No.829/(2)/1E-541 dated 30.08.2024, issued by the Superintending Engineer, South Circle, Housing Directorate.

Heard the learned counsels.

Matter is admitted.

Mr. Mandal, learned counsel argues that the deceased employee had divorced the first wife Ms. Mustari Begum and relies on “*Talaknama*”. On the other hand Mr. Karim disagrees that Ms. Mustari Begum has been divorced by the deceased husband and she remains the valid wife and entitled to receive the family pension.

Since from the primary submissions of the learned counsels it has become clear that there is a dispute regarding the subsistence of the first marriage of the deceased employee with Ms. Mustari Begum, the private respondent No.3 and since the matter relates to family dispute, the Tribunal advised both sides to obtain

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succession certificate from the competent court.

Mr. Karim does not find it necessary and suitable to approach a civil court to obtain a succession certificate.

Let Mr. Mandal, representing his client Sufia Sultana, obtain such succession certificate from the competent court. Let the matter appear under the heading “Hearing” on 10.07.2025.

SCN.

(SAYEED AHMED BABA)  
OFFICIATING CHAIRPERSON  
and MEMBER (A)