

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson & Member (A)

Case No. – OA 107 of 2023

Mita Saha & Another -- **VERSUS** – The State of West Bengal & Ors.

Serial No. and Date of order	For the Applicants	: Mr. S. Ghosh, Mr. A. Mitra, Ld. Advocates.
<u>01</u> 28.02.2023	For the State respondent	: None.
	For the Pvt. Respondent Nos. 5-8	: Ms. J. Saha, Ld. Advocate.
	For the Pr.AG (A&E), WB	: Mr. B. Mitra, Depttl. Rep.

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 23rd November, 2022 issued in exercise of the powers conferred under Section 5(6) of the Administrative Tribunals Act, 1985.

On consent of the learned counsel, the case is taken up for consideration sitting singly.

Affidavit of service and filed be kept on record. Vakalatnama filed on behalf of the private respondent nos. 5 to 8 be kept on record.

In terms of the order passed by the Tribunal, the respondent passed a reasoned order on 29.12.2022. The matter relates to a decision about who should be the legal heir of the deceased employee to receive the family pension. One of the claimants is Mita Saha, the applicant in this application. The other claimant is Basanti Saha, private respondent no. 5. In the reasoned order, the respondent concludes that due to non-submission of relevant documents by both the parties, the decision who would be entitled to receive the family pension is not possible.

However, Mr. S. Ghosh, learned counsel for the applicant submits that as reflected in page 32, the applicants, Mita Saha and Munmun Saha had submitted five relevant documents before the respondent which was received by the Office of the respondent on 16.12.2022. The counsel for the private respondent nos. 5 to 8 shows copies of request letters submitted before the respondent without any documents.

Considering the submission and the letter appearing at page 32, in which it appears that the applicants have submitted relevant documents before

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the respondent on 16.12.2022, the application is disposed of by directing the respondent no. 3, the Divisional Fire Officer, West Bengal Fire & Emergency Services to consider the documents submitted by the applicants in his Office on 16.12.2022. The learned counsel for Respondent Nos. 5 to 8 is also directed to submit suitable documents before the respondent no. 3 within a period of 4 (four) weeks from the date of communication of this order.

Once all the documents have been submitted by both the claimants, the respondent will come to a conclusion regarding each claimant's admissibility of family pension and other retiral benefits and pass a reasoned order within a period of 12 (twelve) weeks from the date all the documents had been received from both the parties. The reasoned order so prayed be communicated to the parties within a period of 2 (two) weeks thereof.

Accordingly, the matter is **disposed of.**

SAYEED AHMED BABA
Officiating Chairperson & Member (A)

CSM/SS