

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 121 of 2023

Mou Mondal Paul -- VERSUS – The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicant : Mr. S. Mustaphi, Ld. Advocate.

For the State respondent : Mr. G.P. Banerjee, Ld. Advocate.

For the Pr.AG (A&E), WB : Mr. B. Mitra, Departmental Representative

03
17.08.2023

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 counsels for the contesting parties, the case is taken up for consideration sitting singly.

Affidavit of service filed be kept on record.

Mr. Mustaphi, learned counsel for the applicant presses only for prayer (c) which is a direction to the respondent to disburse the gratuity amount of the deceased Benudhar Paul. The applicant being the widow of the deceased employee is already receiving the family pension. From the submissions and the records, it appears that her mother-in-law, Kalpana Paul, the Respondent No. 5 in this application had served a legal notice upon the applicant regarding her share of Death Gratuity.

Mr. B. Mitra, the learned Departmental Representative of the Principal Accountant General (A&E), West Bengal refers to the Death-cum-Retirement Benefit Rules, 1971 appearing at Definitions of "Family" for the purpose of Death Gratuity, it is observed that both wife (in case of a male officer) and the mother being members of the family are entitled to receive the Death Gratuity.

After hearing the submissions, this application is disposed of by directing the Respondent No. 3, the Executive Engineer, Asansol Mechanical Division, Public Health Engineering Directorate to refer to the above Rule in which it is clear that both Mou Mondal Paul and Kalpana Paul, the wife and the mother respectively of the deceased employee are entitled to receive the Death Gratuity.

Accordingly, the Death Gratuity of the deceased employee, Benudhar Paul, be disbursed to both Mou Mondal Paul, the wife of the deceased and Kalpana Paul, the mother of the deceased as per above Rule.

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

CSM/SS

SAYEED AHMED BABA
Officiating Chairperson & Member (A)