

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 144 of 2023

Binapani Jana -- VERSUS – The State of West Bengal & Ors.

Serial No. and Date of order	For the Applicant	: Mrs. A. Das, Ld. Advocate.
	For the State respondent	: None.
<u>04</u> 06.05.2024	For the Respondent No.9	: Mr. K.L. Dutta, Ld. Advocate.
	For the Pr.AG (A&E), WB	: Mr. B. Mitra, Ld. 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 filed be kept on record.

Neither today nor on the previous three days of hearing, none appeared on behalf of the respondent authorities, in particular representing respondent no. 2, the Director of Health Services, Department of Health & Family Welfare.

In short, in terms of direction of this Tribunal in OA 808 of 2021, the Chief Medical Officer of Health, Nadia heard both the sides and passed an order favouring family pension in the name of Smt. Shyamali Jana, the private respondent no. 9. During hearing both the sides, it appears CMOH, Nadia examined the documents and passed his opinion favouring Shyamali Jana, family pension arising out of death of Nandadulal Jana. Nandadulal Jana had superannuated on 31.12.2008 as Store Keeper attached to the District Hospital, Nadia and expired on 25.07.2020. Both Binapani Jana and Shyamali Jana claim to be the wives of the deceased employee. Both have submitted copies of secondary but relevant documents like Aadhaar, Ration Card, Bank Pass Book in which besides their names along with name of Nandadulal Jana as husband appears. Though having furnished similar set of documents before the CMOH, Nadia during the hearing on 13.10.2022 and 09.01.2023, the opinion given by the Superintendent of District Hospital, Nadia weighed in favour of Shyamali Jana. It is not clear on what basis the Superintendent of

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District Hospital, Nadia had given such an opinion which eventually led to sanction of family pension in favour of Shyamali Jana. Both sides have submitted similar documents and both have contested being wives of the deceased husband.

In view of above observation and in order to ascertain the reason why Shyamali Jana was preferred for family pension, it is important that the copies of the Service Book and Nomination Papers for family pension be presented by the respondent no. 2, the Director of Health Services, Department of Health and Family Welfare before this Tribunal on the next date. Since the Director of Health Services has not been represented in this Tribunal till now, let the Registry communicate this order to the respondent no. 2, the Director of Health Services, Department of Health and Family Welfare with a direction to represent himself through a counsel on the next date of hearing and present copies of Service Book, Nomination Papers for family pension and other relevant documents.

Let the matter appear under the heading “**Hearing**” on **21.08.2024**.

SAYEED AHMED BABA
Officiating Chairperson & Member (A)

CSM/SS