

**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 275 OF 2025**

**SUSHMITA BANERJEE -Vs- THE STATE OF WEST BENGAL & OTHERS.**

Serial No. and  
Date of order

01  
13.06.2025

For the Applicant

:

Mr. Mahadeb Ghosh  
Advocate

For the State Respondents

:

Mr. Soumendra Narayan Ray  
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.

On consent of the learned counsels for the contesting parties, the case is taken up for consideration sitting singly.

The applicant has filed this application praying for a direction to the respondent authorities to sanction her family pension. Ashis Kumar Banerjee, her husband died on 23.08.2024 who had worked as a Deputy Secretary under the West Bengal Board of Secondary Education. After the death of her husband praying for family pension, she preferred a representation before the Finance Officer on 21.01.2025 followed by another on 04.04.2025. The applicant in this application at para 6.5 also admits that she married the deceased employee while the first wife, Rina Banerjee was alive. Subsequently, Rina Banerjee died on 18.10.2024. Mr.M.Ghosh, learned counsel for the applicant has submitted that, in the meantime, the respondent authority has advised the applicant to furnish the relevant documents and also called her for hearing. However, due to pendency of this matter, such action was cancelled.

The Tribunal finds that soon after the death of the employee, the applicant not only furnished a prayer before the respondent authorities, but also filed an application before this Tribunal. Filing of this

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application was premature. The applicant should have exhausted the remedies available to her from the respondent side and if any decision was against her, then an application could have been filed before this Tribunal. The Tribunal has also come to the understand that the deceased employee had contracted two marriages, therefore, the decision relating to award of family pension will have to be examined properly and a decision has to be taken as per rules.

With the above observation, this application is disposed of with a direction to the applicant to exhaust the remedy available to her first with the respondent side and only file an application before this tribunal, if such filing is necessitated. The application is disposed of.

**(SAYEED AHMED BABA)**  
**OFFICIATING CHAIRPERSON AND MEMBER (A)**

BLR