

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman

Case No. – OA 545 of 2021

MISS. APALA RAY & ANOTHER - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and

Date of order

02

27.08.2021

For the Applicants

: Mr.G.Halder

Mr.S.Ghosh

Advocates

For the State respondents

: Mr.G.P.Banerjee

Advocate

For the Accountant General (A&E)

West Bengal

: Mr.B.Mitra

(Departmental Representative)

The matter is taken up by the single Bench pursuant to the Notification No.949-WBAT/2J-15/2016 dated 24th December, 2020 and 456-WBAT/2J-15/2016 dated 16th July, 2021 issued in exercise of the powers conferred under section 6(5) of the Administrative Tribunals Act, 1985.

Let affidavit of service filed today be kept on record. Since despite service of notice none appears on behalf of the State respondents. Mr.G.P.Banerjee, learned advocate, who normally appears on behalf of the State respondents, is requested to appear in this matter. Let a copy of the original application be served on him, which is served and accepted. The Legal Remembrancer, Government of West Bengal, is directed to regularise the appointment of Mr.Banerjee.

In this application, Ms.Apala Ray and Ms.Arпита Ray, the applicants have prayed for certain reliefs, the relevant portion of which is as under:

“(a) An order do issue directing the concerned respondent authorities to forthwith disburse the arrear family

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pension from 04.05.2013 and regular family pension in favour of the applicant no.1 herein being the 100% disabled unmarried daughter of the deceased employee in accordance with law and within a stipulated time period taking into account the provisions of Memorandum No. 138-F (Pen) Kolkata, the 03rd March 2008, issued by the Finance Department and Rule 104A of West Bengal Services (Death-cum-Retirement Benefits) Rules, 1971.

(b) An order do issue directing the respondent authorities to pay interest @ 18 % per annum on the arrear amount, till the actual date of receiving the same.”

It appears that Dr.Meera Ray, a State Government employee had superannuated on 31st October, 1987 as Joint Director of Health Services. After retirement, Pension Payment Order was issued and she started receiving pension. Meera Roy expired on 30th December, 2011 leaving behind her husband and three unmarried daughters. Ashok Ray, husband of Meera Ray used to receive pension till 3rd May, 2013 when he expired. The eldest sister of the applicants Adity Ray expired on 23rd January, 2019. Accordingly, Kalyani Municipality by memo. dated 12th February, 2021 certified that the applicant nos. 1 and 2 are the legal heirs of Meera Ray and Ashok Ray. During the lifetime, Meera Ray made one representation before the Special Officer (Pension), Director of Health Services, Government of West Bengal praying for lifelong pension for her younger daughter Apala Ray as per G.O. dated 2nd February, 1977. It has been stated that Apala Ray, the applicant no. 1 is 100% disabled and was totally dependent on her mother during lifetime and at present

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she is dependent on Arpita Ray, the applicant no. 2. It has also been stated that Apala Ray made an application for disabled certificate which she received, as evident from Annexure- “C” to the application. Though Apala Ray is 100 % disabled and through Arpita Ray had prayed for lifelong pension, it has not been granted. Prayer is for grant of pension. Mr.G.Halder, learned advocate for the applicants submits that appropriate order may be passed for grant of family pension to Apala Ray, the applicant no.1.

Mr.G.P.Banerjee, learned advocate for the State respondents submits that if directed, the respondents will consider the matter in accordance with law.

Mr.B.Mitra, the Departmental representative appears for the Principal Accountant General (A&E) West Bengal, the respondent no. 3 adopts the submission of Mr.Banerjee.

Since Meera Ray during her lifetime had made one representation for lifelong pension for her younger daughter namely Apala Ray, the applicant no.1 as per G.O. dated 2nd February, 1977 and as it has been stated that the applicant no.1 is 100% disabled and no family pension has been disbursed since 2013 after Ashok Ray, the husband of Meera Ray and the father of the applicants had expired on 3rd May, 2013 and it has been stated that representation has been made and as it is evident from the memo. dated 23rd November, 2017 issued by the Director of Health Services, West Bengal, being Annexure- “D” to the application that the matter regarding grant of family pension to Apala Ray, the applicant no.1 was engaging the attention of the State authorities, considering the same the application is disposed of by

ORDER SHEET

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directing the Director of Health Services, Health and Family Welfare Department, Government of West Bengal, the respondent no.2 to take a decision regarding grant of family pension and arrears to Apala Ray, the applicant no.1 by passing a reasoned order to be communicated to the parties after making necessary enquiry after visiting the residence of the applicants either personally or by a gazetted officer duly authorised, after considering the G.O. No. 839-F dated 2nd February, 1977, the Memo. no. 138-F (Pen) dated 3rd March, 2008 and other circulars governing the field within a period of fifteen weeks from the date of presentation of a copy of this order downloaded from the website of the Tribunal and after verifying the records.

(SOUMITRA PAL)
CHAIRMAN

BLR