

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 991 of 2018

Afroja Begum -- VERSUS – The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicant : Mrs. S. Mitra,
Ld. Advocate.
For the State Respondents : Mr. S.N. Ray,
Ld. Advocate.
For the Pr.AG (A&E), WB : Mr. B. Mitra,
Ld. Depttl. Rep.

22
15.05.2025

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.

The applicant had filed this application for a direction to the respondent authorities to release her family pension. Kader Ali, the deceased husband of the applicant, a Khalasi under Lower Damodar Construction Division, Department of Irrigation and Waterways superannuated on 31.03.2005 and later expired on 21.07.2010. Though superannuated but not having completed 10 years of continuous service, Kader Ali did not receive pension. Attention was drawn to this office order no. 285 dated 21.02.1997, by which the Executive Engineer confirmed absorption of this applicant along with others in the post of Khalasi under work charged establishment. The order also mentioned that these employees including the applicant were absorbed prior to 31.12.1991. The order of absorption of the applicant and others came into effect from 13.03.1996. Another relevant Memo being 475 dated 04.04.1996 issued by the Executive Engineer related to medical examination of employees including this applicant.

Submission of Mrs. Mitra on behalf of the applicant is that applicant's husband had been working in the same post of Khalasi since 1981 continuously, therefore, having completed more than 10 years of service, he was entitled to receive his pension. Since he is deceased now, the applicant, being the wife, is entitled to receive the family pension.

It is a fact that the applicant's husband was regularised in

Form No.

Case No. **OA-991 of 2018**

Vs.

The State of West Bengal & Ors.

the post of Khalasi since 13.03.1996 and superannuated after completing only 7 years and 11 months. Though the office order no. 285 of the Executive Engineer hints that the Khalasis including the applicant who were absorbed had been engaged prior to 31.12.1991, but no such document is available to substantiate the claim that the employee had been working prior to 31.12.1991.

In absence of any document pointing to the claim that the deceased employee had been working prior to 13.03.1996, such claim is not admissible. By making a mere statement and without support of any document, the Tribunal cannot accept that the deceased employee had been working prior to his date of absorption, 13.03.1996. Thus, having rendered service for only 7 years 11 months as a regular employee, the deceased employee was not eligible for pension and similarly, this applicant is also not entitled for family pension as per extant rules.

Therefore, finding no merit, this application is **disposed of**.

SAYEED AHMED BABA
Officiating Chairperson & Member (A)

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