

**ORDER SHEET****WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-**

**Hon'ble Justice Soumitra Pal, Hon'ble Chairman.  
& Hon'ble Dr. Subesh Kumar Das, Administrative Member.**

**Case No. OA 717 of 2018.**

**SUNANDA BAGCHI – VS- THE STATE OF WEST BENGAL & ORS.**

Serial No. and Date of order. 1	Order of the Tribunal with signature 2	Office action with date and dated signature of parties when necessary 3
<p>1</p> <hr/> <p>7.1.2019.</p>	<p>For the Applicant : Mrs. Husn Ara Begum, Advocate.</p> <p>For the State Respondent : Mr. G.P. Banerjee, Advocate.</p> <p>For the Principal Accountant General (A &amp; E) W.B. : Mr. B. Mitra, Departmental representative.</p> <p>Affidavit of service filed today be kept on record. Despite service of notice none appears on behalf of the respondent No. 2(vi), the private respondent.</p> <p>In this application, the applicant,- stated to be the wife of Bimalendu Bagchi, an employee in the office of the Additional District Sub-Registrar, Sahebganj under the district Registrar, Cooch Behar and who had expired in 2003 - has prayed for a direction upon the state respondents not to allow financial/service benefit of the deceased son of the applicant in favour of Mumpy Das. It appears that the husband of the applicant had expired leaving behind his only son Dhruba Bagchi and the applicant as legal heirs. Dhruba Bagchi, son of the applicant applied for appointment on compassionate ground. Subsequently, Dhruba Bagchi was appointed on compassionate ground. On such appointment, the</p>	

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	<p>applicant surrendered her claim for compassionate appointment. Unfortunately Dhruba Bagchi had expired on 22<sup>nd</sup> January, 2014 leaving behind the applicant as sole heir as stated in the petition. It has been stated that Dhruba Bagchi was a bachelor and had never married. However, one Mumpy Das, the private respondent no. (vi) had <i>“attempted to create claim of monetary and other benefits in her favour through a forged document that is forged Marriage Certificate that shows that she was allegedly married to the son of the applicant on 17.12.2007.”</i> (paragraph 4 of the application). According to the applicant since she has filed a representation on 23<sup>rd</sup> June, 2017 before the Registrar General of Marriage, Kolkata, as evident from page 25 of the application, appropriate order may be passed for staying the grant of monetary benefits in favour of said Mumpy Das. Mrs. H.A. Begum, learned advocate for the applicant, submits that appropriate order may be passed staying the grant of monetary benefits by the State to the said Mumpy Das.</p> <p>Mr. G.P. Banerjee, learned advocate appearing on behalf of the state respondent, referring to</p>	

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	<p>the prayers, submits that since no proper legal proceedings have been filed before the appropriate forum, as evident from the application itself, no order may be passed. Submission is on the basis of the documents filed, the State authorities have granted 50 per cent death gratuity in respect of Late Dhruba Bagchi in favour of Mumpy Das.</p> <p>Mr. B. Mitra, the Departmental Representative on behalf of the Principal Accountant General (A &amp; E), West Bengal adopts the submission of Mr. Banerjee.</p> <p>Heard Mrs. Begum , Mr. Banerjee and Mr. Mitra.</p> <p>In this application the applicant has sought for the following reliefs :-</p> <p><i>(a) "A direction be issued upon the respondents not to allow any financial/service benefit of the deceased son of the applicant in favour of the said Mumpy Das till her marriage Certificate is declared as genuine and the marriage with the said Dhruba Bagchi is declared as valid in the eye of law by the Registrar General of Marriage, West Bengal.</i></p>	

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Skg.	<p><i>(b) Further issue direction upon the respondents to stop payment of Provisional Pension and death gratuity to the said Mumpy Das till her marriage Certificate is declared as genuine and is declared as valid in the eye of law”.</i></p> <p>It appears from the application that the Accountant General (A &amp; E) West Bengal by memo dated 21<sup>st</sup> September, 2016 has already directed payment of the death gratuity of Rs. 1,49,784/- of Dhruba Bagchi in two equal parts - that is fifty per cent to Mumpy Das (Bagchi) and the remaining fifty per cent to Sunanda Bagchi, the applicant.</p> <p>Since we find that no appropriate legal steps have been taken by the applicant challenging the marriage of Dhruba Bagchi and Mumpy Das, before the appropriate forum, no order can be passed. Therefore, no order is passed on this application. The application is disposed of. However, we make it clear that this order will not prevent the applicant to take appropriate steps in accordance with law, if so advised.</p> <p>(Subesh Kumar Das) Member(A).</p> <p>(Soumitra Pal) Chairman.</p>	