

22.06.2023
Item No.5
Ct. No.5
CHC
(dismissed)

W.P.S.T.189 of 2019

**Smt. Hiranmoyee Patra
Vs.
The State of West Bengal & ors.**

Mr. Mahadeb Khan
...for the writ petitioner

Mrs. Kakali Samajpaty
...for the State

An order dated August 14, 2018 passed by the West Bengal Administrative Tribunal in O.A.1079 of 2015 is under challenge at the behest of the writ petitioner.

By the impugned order, the learned Tribunal denied relief to the writ petitioner primarily on two grounds. One of the grounds was limitation under Section 21 of the Administrative Tribunals Act, 1985. The other on merit was that, the writ petitioner was not entitled to family pension as, qualifying period of service was not put in by the deceased employee.

Learned advocate appearing for the writ petitioner relies upon Death-cum-Retirement Benefit Rules, 1971. He submits that, the prescription of time is one year and not three years as erroneously construed by the learned Tribunal.

State is represented.

Family pension under the Death-cum-Retirement Benefit Rules, 1971, is governed by Rule 101.

Rule 101 prescribes that, the same shall apply in case of death of government service while in service who entered service on or after April 1, 1965 or who was in service before 1965 and did not opt specifically to come under the scheme and rendered at least three years of service.

In the facts of the present case, the deceased employee was in service for a period between April 17, 1973 till June 11, 1975. He is governed by Rule 101(1)(a). The employee was required to render three years of service.

The employee did not render three years of service as noted above.

In such circumstances, we find no merit in the present writ petition.

W.P.S.T. 189 of 2019 is dismissed without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)