

23. 30.01.2024
bd. Ct.15

WPA 11969 of 2019

Nandita Singha

-VS-

The State of West Bengal & Ors.

Mr. K.M.Hossain

Mr. Kazi Ardan Ali

... for the petitioner.

Petitioner has challenged the recovery proceeding initiated by the office of the District Magistrate, Murshidabad.

According to the respondent authorities petitioner being married sister of the deceased employee cannot be nominated being part of the family of the deceased employee under Death-cum-Retirement Rules 1971 since Rule 7(1)(e) defines “family”.

Petitioner’s elder brother was an employee in the office of the District Magistrate, Murshidabad. Due to death of the elder brother of the petitioner terminal benefits were received by the petitioner being his nominee but subsequently the office of the District Magistrate found that petitioner being married sister of the deceased employee ought not to be treated as part of the family under the provisions of the relevant rules of Death-cum-Retirement Rules, 1970. Since elder brother of the petitioner was a State Government employee and in connection with the service rendered by the elder brother of the petitioner terminal benefits were paid to the petitioner being married sister and subsequently recovery proceeding has been initiated

by the office of the District Magistrate, the petitioner is required to approach West Bengal State Administrative Tribunal questioning the recovery proceeding.

The writ petition before this Court is not maintainable. Accordingly, the writ petition stands dismissed.

However, this order shall not preclude the petitioner to take steps in accordance with law including making a prayer before the Tribunal for granting interim protection in connection with the original application, if instituted before the Tribunal.

There shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)