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19.08.2024
S.D.
Ct. No. 26

**R.V.W. 260 of 2023
With
CAN 1 of 2023
in
WP.ST 189 of 2019**

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

Mr. Tarapada Das
Ms. Jonaki Khan
....For the Applicant

Ms. Kakaloi Samajpati
Ms. Priyanka Jana
...For the State

Review applicant seeks review of the order dated
June 22, 2023 passed in WP.ST 189 of 2019.

Learned advocate appearing for the review
applicant submits that, the time period of qualifying
services of three years specified for family pension in the
West Bengal Services (Death cum Retirement) Rules, 1971
was reduced to one year by a Memorandum bearing No.
5625-F dated July 27, 1981. According to him, both the
Tribunal and the High Court erred in not construing the
period of qualifying services in terms of the Memorandum
dated July 27, 1981.

Learned Advocate appearing for the State points out that the Memorandum dated July 27, 1981 gave effect to the qualifying period of the services one year from April 1, 1981. According to her, since the death occurred much prior to 1981, the Memorandum dated July 27, 1981 cannot assist the review applicant.

Review applicant approached the West Bengal Administrative Tribunal by way of an original application being O.A. 1079 of 2015. Review applicant sought family pension on the ground that one year of service was the qualifying period of service. The deceased employee was in service for the period between April 17, 1973 till June 11, 1975. Consequently, since the deceased was in service for a period in excess of one year, the review applicant was entitled to family pension.

Family pension of the review applicant is governed by the provisions of the West Bengal Services (Death cum Retirement Benefit) Rules, 1971. Rule 101 (1)(b) existing on the date of death of the deceased employee, i.e. June 11, 1975 was three years. It was subsequently reduced by the Memorandum dated July 27, 1981 for a period of one year. Such Memorandum dated July 27, 1981 provides that such period of one year will take effect from 1981.

Since the review applicant does not possess the requisite qualifying services, we find no error apparent from the record in respect of the order under review.

In view thereof, **R.V.W. 260 of 2023** and the connected applications are **dismissed** without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)