

17th March, 2025
(D/L No.19)
Ct. No.4
(SKB)

W.P.S.T. 153 of 2024

Sm. Asha Roy
Versus
State of West Bengal and others

Mr. Ajay Ray,
Ms. Sanjana Rawat
... for the petitioner.

Mr. Tapan Kumar Mukherjee, Id. AGP,
Ms. Ashmita Chakraborty
... for the State.

1. Heard learned counsel for the parties.
2. The sum and substance of the petitioner's claim before the State Administrative Tribunal (in short 'Tribunal') was that she is a legally married wife of the government employee, namely, Arabinda Roy. He is said to have passed away on 30th April, 2021.
3. The petitioners claims that the marriage has been solemnized in the early 90's. She has approached the Tribunal claiming the family pension and other retiral benefits of the deceased employee.
4. The State has taken a stand before the Tribunal in O.A. No.43 of 2023 filed by the petitioner that Arabinda Roy had nominated Ms. Parul Roy as his wife to be the nominee for grant of retiral benefits/family pension etc.

5. The petitioner's counsel submits that the petitioner was kept in the dark. She has no knowledge about the existence of such a person by the name of Parul Roy. The petitioner has lived in matrimony with the deceased for nearly three decades.
6. Upon consideration of submissions, the Tribunal has concluded that the issue which arises based on the dispute is whether the petitioner was the legally married wife of the deceased or not. The other issue is whether she can claim to be a nominee; without questioning the nomination filed in favour of the said Parul Roy.
7. In view of the issues arising for consideration, the Tribunal has rejected the original application filed by the petitioner and holding that it is not the proper forum for deciding the legality of the marriage.
8. We, therefore, find no infirmity in such conclusion of the Tribunal and we do not find any reason to interfere with the order dated 27.09.2023 passed in O.A. No.43 of 2023.
9. The submission of the petitioner's counsel that if the petitioner resorts to proceedings before the civil court, it will take a long time, does not enure to the petitioner's benefit, as the issue cannot be

considered by the State Administrative Tribunal under the Administrative Tribunal's Act. The scope and object of the Tribunal is well established. The nature of controversy arising on the basis of petitioner's claim is an issue for which the petitioner would be required to avail the appropriate remedy under the normal civil laws.

10. With liberty to the petitioner to raise her claim before the appropriate forum in accordance with law, the writ petition is dismissed.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)