

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

The Hon'ble Justice Soumitra Pal (Chairman)  
& The Hon'ble Mr. Subesh Kumar Das (Administrative Member)

Case No –OA 673 OF 2018

**SUDHIR KUMAR GHOSH** 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>3</p> <hr/> <p>11.12.2018</p>	<p>For the Applicant : Mr. M.N. Ray Mr. G. Halder Advocate</p> <p>For the State Respondents: Mr. G.P. Banerjee Advocate</p> <p>For the A.G., West Bengal : Mr. B. Mitra Departmental Representative</p> <p>In this application, the applicant, who had joined as a Constable on 5<sup>th</sup> December, 1968 and subsequently promoted to the post of Sub-Inspector and after attaining the age of superannuation had retired on 30<sup>th</sup> November, 2009, has prayed for a direction upon the respondent authorities to disburse the superannuation benefits including pension, leave encashment amount and gratuity in his favour. Prayer has also been made to dispose of the representation dated 9<sup>th</sup> April, 2018 by passing a reasoned order after giving an opportunity of personal hearing.</p> <p>It appears that a disciplinary proceeding was initiated against the petitioner which culminated in passing of final order on 2<sup>nd</sup> May, 2017 by the Superintendent of Police, North 24 Parganas directing</p>	

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	<p>30% cut of pension for a period of five years without affecting future and other allowance of the applicant.</p> <p>Being aggrieved, the applicant filed an appeal before the Appellate Authority, that is the Superintendent of Police, North 24 Parganas, who had passed an order on 17<sup>th</sup> October, 2017 directing 20% cut of pension for a period of three years without affecting future and other allowance of the applicant and the authorities were directed to grant pension accordingly. It is submitted by Mr. M.N. Ray, learned advocate for the applicant appearing along with Mr. G. Halder, learned advocate that since there is a delay in disbursing the pensionary benefits, the applicant is entitled to interest.</p> <p>Mr. G.P. Banerjee, learned advocate for the State respondents submits that pursuant to the directions contained in the order dated 25<sup>th</sup> September, 2018 passed by the Tribunal, the Joint Secretary, Home and Hill Affairs Department, Government of West Bengal had issued a written intimation dated 26<sup>th</sup> October, 2018 to the D.G. &amp; I.G.P., West Bengal, West Bengal Police Directorate, Kolkata, wherefrom it appears that the Hon'ble Governor has been pleased to accord approval for implementation of the Appellate Order of Punishment inflicted upon the charged officer by way of 20% of pension cut for a period of three years without affecting</p>	

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	<p>future and other allowances from the pension of the delinquent under Rule 10 of WBS (DCRB) Rules, 1971, passed by the Deputy Inspector General of Police, West Bengal, being the Appellate Authority, vide order No.2867 dated 17<sup>th</sup> October, 2017. The Joint Secretary, Home &amp; Hill Affairs Department, Government of West Bengal has also requested the D.G. &amp; I.G.P., West Bengal, West Bengal Police Directorate, Kolkata to take appropriate steps for implementation of the said order. Let a copy of the said intimation dated 26<sup>th</sup> October, 2018 filed today be kept on record.</p> <p>Mr. Ray submits that since he is entitled to interest, it may be granted from the date when the Disciplinary Authority had passed the order, that is, 2<sup>nd</sup> May, 2017.</p> <p>Mr. Banerjee submits that since the order passed by the Disciplinary Authority has merged with the order of the Appellate Authority, the applicant is not entitled to interest from 2<sup>nd</sup> May, 2017.</p> <p>Mr. B. Mitra, Departmental Representative of A.G., West Bengal adopts submission made by Mr. Banerjee.</p> <p>Since pursuant to the order dated 25<sup>th</sup> September,</p>	

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SCN.	<p>2018 passed by this Tribunal, the Joint Secretary, Home &amp; Hill Affairs Department, Government of West Bengal by sending the intimation dated 26<sup>th</sup> October, 2018 addressed to the D.G. &amp; I.G.P., West Bengal, West Bengal Police Directorate, Kolkata, has requested to take steps in accordance with law, this application is disposed of by directing the Senior Superintendent of Police (Co-ord), North 24 Parganas and Superintendent of Police, Barasat Police District, North 24 Parganas, the respondent no.3 to implement the order dated 17<sup>th</sup> October, 2017 passed by the Appellate Authority by passing a reasoned order to be communicated to the parties within eight weeks from the date of presentation of a copy of this order along with interest @ 8% per annum on the dues to be calculated from 17<sup>th</sup> November, 2017 till the preceding month in which payment is actually made. The respondent no.3 while passing the order shall take note of the fact that the applicant is getting provisional pension.</p> <p>(S.K. Das) MEMBER (A)</p> <p>(Soumitra Pal) CHAIRMAN</p>	