

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

**The Hon'ble Justice Ranjit Kumar Bag
& The Hon'ble Dr. Subesh Kumar Das**

Case No – OA 1023 OF 2018

Ranjit Kumar Chatterjee 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
04 24.07.2019	<p>For the Applicant : Mr. I. Pal, Learned Advocate.</p> <p>For the Respondent : Mr. G.P. Banerjee, Learned Advocate.</p> <p>The applicant has prayed for direction upon the respondents to make payment of retirement benefits of the applicant.</p> <p>The applicant joined as Sepoy of E Company, 1st Battalion, Kolkata Armed Police on January 7, 1982. He was dismissed from service after proper departmental enquiry by the disciplinary authority on February 26, 1990. The order of dismissal of the applicant was challenged before the Tribunal by filing OA-1098 of 1997 unsuccessfully. Again, the order of the Tribunal was challenged by filing WPST 440 of 2006 before the Hon'ble High Court, which was disposed of on July 23, 2009 by modifying the order of punishment as removal from service and liberty was given to the applicant to submit a representation after lapse of one year before the Commissioner of Police for taking him back in service on such considerations as the Commissioner of Police may think fit and proper. The applicant submitted representation in due course before the Commissioner of Police, Kolkata which was disposed of by Commissioner of Police by passing a reasoned order on July 23, 2009. The prayer of the applicant for taking him back in service was turned down by the</p>	

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Commissioner of Police, Kolkata by the said reasoned order. The applicant challenged the said order of Commissioner of Police, Kolkata unsuccessfully before the Tribunal by filing OA-1220 of 2009 and also before the Division Bench of the Hon'ble High Court by filing WPST 649 of 2009.

Even the Review Application submitted by the applicant before the Hon'ble High Court by filing RVW 81 of 2015 was also dismissed on December 1, 2016.

With the above factual matrix, Learned Counsel for the applicant submits that the applicant should be given the retirement benefits of service. Mr. G.P. Banerjee, Learned Counsel representing the state respondents, contends that the applicant is not entitled to get any retirement benefit except the amount of GPF in view of removal of the applicant from service.

The order of removal of the applicant from service passed by the Commissioner of Police, Kolkata has attained finality as the said order was not interfered with either by the Tribunal or by the Division Bench of the Hon'ble High Court. A Government employee who has been dismissed or removed from service is not entitled to get any retirement benefit as the entire past service is forfeited in terms of Rule 33 of the West Bengal Services (Death-cum-Retirement Benefit) Rules, 1971. However, the applicant is entitled to get the amount of GPF deposited by him and interest accrued thereon. To get the amount of GPF, the applicant will have to submit an application in the prescribed format before the respondent no. 4 by giving

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the Account Number of the GPF and Bank details of the applicant. We are informed that the applicant could not supply the Account Number of GPF and could not submit the application in the prescribed format till date.

Under the above circumstances, the applicant is directed to submit the application in the prescribed format by disclosing the Account Number of GPF and Bank details for receiving the amount of GPF in his credit, if any, within a period of 6 (six) weeks from the date of the order. If the application in prescribed format is submitted by disclosing the Account No. of GPF and the Bank details by the applicant, the respondent no. 4, Deputy Commissioner of Police, 1st Battalion, Kolkata Armed Police is directed to take steps for release of the amount of GPF of the applicant, if any, within a period of 8 (eight) weeks after submission of the application by the applicant.

With the above direction, the original application stands **disposed of.**

Let a plain copy of this order be supplied to both parties.

(S.K. DAS)
MEMBER(A)

(R. K. BAG)
MEMBER (J)

Sanjib