

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

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

Case No – **OA 1275 OF 2013**

Prasuram Ram Rout 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
16 <hr/> 23.07.2018	<p>For the Applicant : Mr. Prasuram Ram Rout, In person.</p> <p>For the Respondents : Mrs. M. Mallick, Learned Advocate.</p> <p>The applicant has prayed for direction upon the respondents to release family pension, gratuity and leave encashment in connection with service of the father of the applicant.</p> <p>One Sheopujan Rout joined as Operator Grade-III in the establishment of Mechanical Sub-Division No. IV under Burdwan Mechanical Division, Department of PW (Roads) on November 18, 1965. He was released from the office of Mechanical Sub-Division No. IV, Burdwan Mechanical Division of PW (Roads) on July 1, 1981 for joining his new assignment at Kharagpur Mechanical Sub-Division under Midnapore Mechanical Division of PW (Roads). It appears from the reply submitted on behalf of the state respondents that he never joined in his new assignment after his release from the office of Mechanical Sub-Division No. IV on July 1, 1981. He was absent from office on the ground of illness for prolonged period of time and ultimately he died on March 24, 1996, though the applicant has claimed the date of superannuation of Sheopujan Rout on June 30, 1998. The wife of Sheopujan Rout –</p>	

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Lakhrajo Devi died on November 4, 1996. Presently, the applicant and respondent nos. 6 and 7 - being two sons and one married daughter have claimed to be the legal heirs of the deceased Sheopujan Rout. The grievance of the applicant is that pension, gratuity, leave encashment, GPF amount and family pension have not been released in favour of the legal heirs of the deceased Sheopujan Rout, in spite of submission of repeated representations by the applicant before the respondent no. 4.

We have heard the applicant in person. We have also heard the Learned Counsel representing the state respondents. On consideration of the materials on record, we find that Sheopujan Rout worked in the office of Mechanical Sub-Division No. IV under Burdwan Mechanical Division of PW (Roads) from November 18, 1965 to July 1, 1981. His long absence from duty during the period from July 2, 1981 till the date of his death on March 24, 1996 cannot be regularised by grant of any leave as per provisions of West Bengal Service Rules, Part-I. Accordingly, we are of the view that the service of Sheopujan Rout has come to an end w.e.f. July 1, 1981. Admittedly, service benefits have not been given either to Sheopujan Rout or his legal heirs as reflected from the reply submitted by the state respondents. Since the applicant and the respondent nos. 6 and 7 claim to be the legal heirs of Sheopujan Rout and since service benefits have not

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been given to Sheopujan Rout for rendering service during the period of November 18, 1965 to July 1, 1981, we are inclined to give direction to the respondent no. 4 to decide the entitlement of Sheopujan Rout about service benefits like pension, gratuity, amount of GPF and amount of leave encashment and to pass a reasoned order after giving the applicant an opportunity of hearing.

The respondent no. 4, Executive Engineer, Mechanical Division, PWD (Roads), Purta Bhavan, 4th Floor, Dist – Purba Bardhaman is directed to decide entitlement of Sheopujan Rout to receive pension, gratuity, leave encashment and amount of GPF, if any, after giving the applicant and other legal heirs an opportunity of hearing and to pass a reasoned order within a period of 16 (sixteen) weeks from the date of communication of this order and to intimate the result of the same to the applicant and to take necessary follow up action for release of all retiral dues to the legal heirs of Sheopujan Rout, if any, within a period of 2 (two) weeks thereafter.

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

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

Sanjib

(S.K. DAS)
MEMBER(A)

(R. K. BAG)
MEMBER (J)