

**ORDER SHEET**

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Present-**

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

Case No – **OA 20 OF 2016**

**Bijoy Kumar Sinha** 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
09 11.07.2018	<p><b>For the Applicant</b> : Mr. C. Dutta, Learned Advocate.</p> <p><b>For the Respondents</b> : Mr. M.N. Roy, Learned Advocate.</p> <p><b>For the AG (A&amp;E),WB</b> : Mr. B. Mitra, Departmental Representative.</p> <p>A departmental enquiry was started against the applicant on May 20, 2008 by Special IG &amp; DIG, IB, West Bengal when the applicant was working as Assistant DIB, Bankura in the establishment of Superintendent of Police, District Intelligence Branch, Bankura. The said departmental enquiry was concluded and 2<sup>nd</sup> Show Cause Notice was issued to the applicant on June 4, 2012 by the respondent no. 2 (a). The reply to the 2<sup>nd</sup> Show Cause Notice was given by the applicant on April 2, 2015. However, no order of punishment was imposed on the applicant, though the respondent no. 2 (a) proposed punishment of pension cut @ 5% for a period of 5 years as the applicant retired from service on October 1, 2008. The applicant has prayed for direction upon the respondents to disburse gratuity and other pensionary benefits along with interest on delayed payment of gratuity and pensionary benefits.</p> <p>Having heard Learned Counsel representing both parties and on consideration of the materials on record,</p>	

**ORDER SHEET**

**Bijoy Kumar Sinha**

Form No. ....

**Vs.**

**The State of West Bengal & Ors.**

Case No. **OA 20 OF 2016**

we find that punishment has not been imposed on the applicant in spite of giving reply to 2<sup>nd</sup> Show Cause Notice on April 2, 2015 and thereby gratuity and pensionary benefits have not been released in favour of the applicant. The Superintendent of Police, Bankura being the Pension Sanctioning Authority of the applicant is not in a position to forward the case of the applicant to AG (A&E), West Bengal for disbursement of pension as punishment has not yet been imposed on the applicant even after giving reply to the 2<sup>nd</sup> Show Cause Notice.

Under the above circumstances, we direct the respondent no. 2 (a), Principal Secretary, Department of Home (Police), Government of West Bengal to impose punishment on the applicant on the basis of 2<sup>nd</sup> Show Cause Notice dated June 4, 2012 and reply to the same submitted by the applicant on April 2, 2015 within a period of 8 (eight) weeks from the date of communication of the order and to communicate the same to the applicant and Superintendent of Police, Bankura within a period of 2 (two) weeks thereafter. The respondent no. 2 (d), Superintendent of Police, Bankura is directed to take necessary steps for release of gratuity and other pensionary benefits including GPF, if not disbursed in the meantime, within a period of 12 (twelve) weeks from the date of receiving order of imposition of punishment on the applicant and to communicate the same to the applicant within a period

# ORDER SHEET

**Bijoy Kumar Sinha**

Form No. ....

**Vs.**

**The State of West Bengal & Ors.**

Case No. **OA 20 OF 2016**

of 2 (two) weeks thereafter.

The applicant is directed to communicate the copy of the order along with copy of original application and annexures thereto to the respondent no. 2(a) and respondent no. 2 (d) by Speed Post within a period of 2 (two) weeks from the date of this order, if default of which this order stands cancelled.

With the above direction, the original application is **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