

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

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

Case No – **OA 271 OF 2017**

Sisir Kumar Mahata 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 <hr/> 13.07.2018	<p>For the Applicant : Mrs. S. Agarwal, Learned Advocate.</p> <p>For the Respondents : Mr. S. Ghosh, Mr. M.N. Roy, Learned Advocates.</p> <p>For the AG (A&E),WB : Mr. B. Mitra, Departmental Representative.</p> <p>The applicant has prayed for direction upon the respondents to release Pension, Group Insurance, Gratuity and other retiral benefits of the applicant along with interest.</p> <p>The applicant retired from the post of UDC at Asansol Sub-Divisional Hospital on February 28, 2010. One criminal case being Case No. 123/09 dated May 26, 2009 under section 409/120B of IPC was started against the applicant at Asansol (South) Police Station while the applicant was in service. The said criminal case is still pending against the applicant before the competent court of law and charge sheet has already been submitted against the applicant in the said criminal case.</p> <p>With the above factual matrix, we have to decide whether the applicant is entitled to get all the retirement benefits on his superannuation. As the criminal case is still pending against the applicant, the applicant is not entitled to receive any gratuity as per provisions of Rule 10 (2) of West Bengal Services (Death-cum-Retirement Benefit) Rules, 1971 (in short DCRB Rules, 1971). However, the applicant is entitled</p>	

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to get interim allowance during pendency of the criminal proceeding against him as laid down in Rule 14 of the DCRB Rules of 1971. In the absence of any specific guidelines about the release of other retirement benefits of the applicant, we are of the view that the applicant is entitled to get the amount of money deposited in General Provident Fund, the amount of money available under Group Insurance Scheme, but the amount of money of Leave Encashment cannot be decided at this stage as the applicant was arrested in connection with the criminal case and detained in custody exceeding 48 hours as contended by Learned Counsel for the applicant.

In view of our above findings, the respondent no. 4, Superintendent, Sub-Divisional Hospital, Asansol is directed to decide the entitlement of the applicant with regard to interim allowance during pendency of the criminal proceeding as laid down in Rule 14 of the DCRB Rules, 1971 and pass an order for release of interim allowance, amount of GPF and amount to be received under Group Insurance Scheme within a period of 12 (twelve) weeks from the date of communication of the order and to take necessary follow up action in this regard within a period of two weeks thereafter.

With the above direction, the original application stands **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)

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