

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

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

Case No – OA 362 OF 2018

Sudipta (Biswas) Sarkar 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
05 12.12.2018	<p>For the Applicant : Mr. A. Hati, Ms. P.R. Mishra, Learned Advocates.</p> <p>For the Respondents : Mr. M.N. Roy, Mr. G. Halder, Learned Advocates.</p> <p>The applicant has prayed for direction upon the respondents for setting aside the order of punishment imposed on the husband of the applicant by the disciplinary authority and setting aside Memo. No. 840/RO dated February 27, 2018 issued by the Superintendent of Police, Paschim Medinipur, by which the applicant was directed to vacate the quarters retained by her at Paschim Medinipur Police Line Housing Complex.</p> <p>Learned Counsel for the applicant has not pressed for first two prayers of the application, by which the applicant prayed for setting aside the order of dismissal of the husband of the applicant from service imposed by the disciplinary authority. Accordingly, the said two prayers of the application are rejected as not pressed.</p> <p>Having heard Learned Counsel representing both parties and on consideration of the materials on record, we find that the husband of the applicant, Mrityunjoy Sarkar was dismissed from</p>	

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service of ASI of Police w.e.f. August 23, 2016. Nothing is on record to indicate that the order of dismissal of the husband of the applicant has been set aside by any competent court of law or by the appellate authority. The applicant has already retained the quarters of Paschim Medinipur Police Line for more than 2 years after dismissal of her husband from service.

Under the above circumstances, we do not find any illegality or arbitrariness in issuance of letter dated February 27, 2018 by the Superintendent of Police, Paschim Medinipur, calling upon the applicant to vacate the quarters immediately. The applicant must vacate the quarters within a period of 4 (four) weeks from the date of this order.

With regard to prayer of applicant for disbursement of the amount of GPF of her husband, we find from record that the husband of the applicant was absent from duty since November 24, 2012 till date. The husband of the applicant has already been dismissed from service after framing of charge against him, which was found to have been proved of enquiring officer and proper punishment was imposed by the disciplinary authority. In view of long absence of the husband of the applicant for more than 6 (six) years and on consideration of hardship caused to the applicant due to prolonged period of absence of her husband followed by dismissal from service, we are of the view that the amount of GPF should be released in favour of the applicant by

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the respondent no. 3. We would like to observe that the applicant is not entitled to get any retirement benefit under provisions of Rule 33 of West Bengal Services (Death-cum-Retirement Benefit) Rules, 1971 and the applicant is also not entitled to get family pension as per provisions of Rule 101 (2) of West Bengal Services (Death-cum-Retirement Benefit) Rules, 1971.

In view of our above findings, the applicant is at liberty to submit formal application for disbursement of the amount of GPF of her husband before the respondent no. 3 within a period of 4 (four) weeks from this date. If such application is submitted by the applicant before the respondent no. 3 within stipulated period of time, the respondent no. 3, Commandant, State Armed Police, 8th Battalion, Barrackpore is directed to take necessary steps for disbursement of the amount of GPF of ASI, Mrityunjoy Sarkar in favour of the applicant within a period of 4 (four) weeks from the date of submission of formal application by the applicant. The applicant is directed to vacate the quarters occupied by her at Paschim Medinipur Police Line Housing Complex within a period of 4 (four) weeks from the date of this order.

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

Sanjib

(S.K. DAS)
MEMBER(A)

(R. K. BAG)
MEMBER (J)

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