

**ORDER SHEET**  
**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Present-**

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

**Case No – OA 710 OF 2017**

**Ramanuj Sharma 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 11.01.2019	<p>For the Applicant : Mr. K.K. Chakraborty, Learned Advocate.</p> <p>For the Respondents : Mr. S. Ghosh, Learned Advocate.</p> <p>For the AG (A&amp;E),WB : Mr. B. Mitra, Departmental Representative.</p> <p>The applicant has prayed for direction upon the respondents to release pension, gratuity and other retirement benefits of the father of the applicant in terms of the provisions of West Bengal Services (Death-cum-Retirement Benefit) Rules, 1971 (in short, the DCRB Rules of 1971).</p> <p>It appears from the materials on record that one Kailash Sharma, father of the applicant was an employee under the Directorate of Micro and Small Scale Enterprises and Textiles, Government of West Bengal. The father of the applicant retired as Carpenter in the erstwhile Wood Industry Centre, Durgapur. The father of the applicant retired in the month of March 2005. He submitted application before the respondent no. 4 for granting permission to deposit employer's share of the provident fund and the amount of gratuity received by him, so that he may get pension, gratuity and other retirement benefits under the</p>	

# ORDER SHEET

Ramanuj Sharma

Form No.

.....

**Vs.**

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

.....

Case No. **OA 710 OF 2017**

provisions of the DCRB Rules of 1971 in terms of Memorandum dated July 10, 2012 issued by the Joint Secretary to the Government of West Bengal, Department of Micro and Small Scale Enterprises and Textiles, Government of West Bengal. On December 18, 2013, the respondent no. 4 asked the father of the applicant to deposit Rs.1,28,117/- towards employer's share of the provident fund and Rs.1,01,005/- towards gratuity received by the father of the applicant by way of Treasury Challan. Accordingly, the father of the applicant deposited the said amount of money through Treasury Challan on May 13, 2014. The case of the father of the applicant could not be processed for payment of pension, gratuity and other retirement benefits due to non-payment of the amount of pension already drawn by the father of the applicant from EPFO, Durgapur during the period from retirement till June 7, 2014 when he died. The said amount has been calculated as Rs.1,10,040/- and the file is sent to the Finance Department, Government of West Bengal for processing the case of the applicant for grant of pension, gratuity and other retirement benefits under the provisions of the DCRB Rules of 1971.

Mr. Chakraborty, Learned Counsel for the applicant, submits that the applicant is not entitled to get family pension under the provisions of the DCRB Rules of 1971. He further submits that the retirement benefits of the father of the applicant under the provisions of the DCRB Rules of 1971 will be less than

**ORDER SHEET**

Ramanuj Sharma

Form No. ....

**Vs.**

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

Case No. **OA 710 OF 2017**

the amount of money to be deposited by the applicant along with amount which has already been deposited by the father of the applicant and as such the applicant may be refunded the amount of money deposited by the father of the applicant. Learned Counsel also submits that the applicant is not willing to proceed with the scheme of grant of pension, gratuity and other retirement benefits of the father of the applicant under the provisions of the DCRB Rules of 1971.

We have also heard Mr. Ghosh, Learned Counsel representing the state respondents, who submits that the file is under process before the Finance Department, Government of West Bengal. He further submits that the applicant is not entitled to get interest in case of refund of the amount deposited by the father of the applicant.

On consideration of the materials on record, we are of the view that the applicant will not be benefited financially by proceeding with the scheme for grant of pension, gratuity and other retirement benefits to the father of the applicant under the provisions of the DCRB Rules of 1971. Since the father of the applicant has already deposited the employer's share of the provident fund and the gratuity received by the father of the applicant, the state respondents should return the said amount of money to the applicant along with interest @ 8% per annum during the period from the date of deposit till the date of

# ORDER SHEET

Ramanuj Sharma

Form No.

.....

**Vs.**

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

.....

Case No. **OA 710 OF 2017**

disbursement of the amount in favour of the applicant, as the applicant is not willing to proceed with the scheme of grant of pension and other retirement benefits to the father of the applicant under the DCRB Rules of 1971.

In view of our above findings, the respondent no. 4, Joint Director, Directorate of Micro and Small Scale Enterprises and Textiles, Durgapur zone, Government of West Bengal is directed to refund Rs.1,28,117/- and Rs.1,01,005/- to the applicant along with interest @ 8% per annum during the period from May 13, 2014 till the date of disbursement of the said amount in favour of the applicant within a period of 12 (twelve) weeks from the date of communication of the order. The said respondent is further directed to stop processing the case of the father of the applicant for payment of pension, gratuity and other retirement benefits under the provisions of the DCRB Rules of 1971 in terms of Memorandum dated July 10, 2012 issued by the Joint Secretary to the Government of West Bengal, Department of Micro and Small Scale Enterprises and Textiles, Government of West Bengal.

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)

**ORDER SHEET**

Ramanuj Sharma

Form No.

.....

**Vs.**

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

.....

Case No. **OA 710 OF 2017**