

**ORDER SHEET**

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Present-**

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

Case No – **OA 775 OF 2019**

**Hasimuddin Mandal** 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
02 28.11.2019	<p>For the Applicant : Mr. S. Burman, Mr. A.K. Chakraborty, Learned Advocates.</p> <p>For the Respondents : None.</p> <p style="text-align: center;">Affidavit of service filed on behalf of the applicant is kept on record.</p> <p style="text-align: center;">The applicant has prayed for direction upon the respondents for payment of remuneration during the period from November 2017 to April 2018 along with interest for delayed payment.</p> <p style="text-align: center;">The applicant got reemployment after retirement from service in the establishment of the respondent no. 4, Project Officer-cum-DWO, Backward Classes and Tribal Development, Berhampore on the basis of order dated June 28, 2017 and subsequent order dated November 21, 2017 issued by the said respondent no. 4 at consolidated monthly remuneration of Rs.12,000/- per month. It appears from the orders of reemployment that the applicant was reemployed on contractual basis on fixed monthly remuneration of Rs.12,000/- per month after deduction of taxes from the date of his joining till September 30, 2018 or till joining of regular Inspector or till</p>	

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attaining the age of 65 years by the applicant, whichever is earlier. In the present case, the date of retirement of the applicant is April 4, 2018 and as such he is not eligible to draw remuneration after attaining the age of 65 years. On consideration of the document marked by Annexure-C to the original application, we find that the payment could not be made to the applicant for non-availability of allotment for disbursement of arrears of remuneration.

None appears on behalf of the state respondents in spite of service of notice.

Learned Counsel for the applicant submits that the applicant has already received remuneration till the month of April 2018 during pendency of the present application and as such he has not pressed for the prayer for arrears of remuneration. However, Learned Counsel has prayed for interest for delayed payment of the remuneration.

With regard to contention of payment of interest for delayed payment of the remuneration, we are of the view that the respondent no. 4 was not in a position to disburse the remuneration for non-availability of allotment of fund in the particular head from which the remuneration will be disbursed in favour of the applicant. In our view, non-payment of arrears of remuneration was not intentional on the part of the respondent

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Sanjib	<p>no. 4. Nor can we persuade ourselves to hold that there was any negligence on the part of the respondent no. 4 in not disbursing arrears of remuneration in favour of the applicant. Accordingly, the applicant is not entitled to get interest as prayed for. The original application is, thus, <b>disposed of.</b></p> <p>( S.K. DAS ) MEMBER(A)</p> <p>( R. K. BAG ) MEMBER (J)</p>	
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