

ORDER SHEET**WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-**

The Hon'ble Justice Soumitra Pal (Chairman)
& The Hon'ble Mr. Subesh Kumar Das (Administrative Member)

Case No – O.A. 801 of 2019

SUSAMA CHAUDHURI & ANR. 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
<p style="text-align: center;">3</p> <hr/> <p>03.12.2019</p>	<p>For the Applicant : Mr. A.K. Routh, Mr. A. Auddy (Das), Advocates</p> <p>For the Respondent : Mr. G.P. Banerjee, Advocate</p> <p>For the Respondent : Mr. B. Mitra, Nos. 4, 5 and 7 Departmental Representative</p> <p style="text-align: center;">Let affidavit of service filed be kept on record. As prayed for by Mr. A.K Routh, learned advocate for the applicant, leave granted to correct the typographical errors in the cause-title in page 1 of the application.</p> <p style="text-align: center;">In this application, Susama Chaudhuri and Subhrangshu Chaudhuri, wife and son respectively of Subir Ranjan Chaudhuri, have prayed for certain reliefs, the relevant portion of which is as under:</p> <p style="text-align: center;">“(a) An Order be passed directing the concerned respondent authorities to release the entire retirement</p>	

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	<p style="text-align: center;">benefits of Late Subir Ranjan Chaudhuri to the applicants as admissible under the Rules forthwith and without any further delay;”</p> <p style="text-align: center;">It appears Subir Ranjan Chaudhuri, an Ex-Sub-Officer of Baishnabghata Patuli Fire Station, was placed under suspension on 23rd June, 2008 as he was under Police custody during the period from 31st May, 2008 to 12th June, 2008 in connection with Amherst Street P.S. / D.D. / Case No.104 dated 20th June, 2007 and, thereafter, departmental proceeding was initiated against him on 17th January, 2014 for alleged misconduct of gross violation of Service Conduct Rules. Subir Ranjan Chaudhuri retired on 31st March, 2015 and thereafter expired on 5th February, 2018. It appears from the application that the order of suspension was withdrawn on 29th December, 2011 and after his death by order dated 25th January, 2019 the departmental proceedings were dropped. It is submitted by Mr. Routh as suspension was withdrawn during the life time of Subir Ranjan Chaudhuri and as the departmental proceedings have been dropped, appropriate order may be passed for release of superannuation benefits of late Subir Ranjan Chaudhuri after deducting the benefits already received. Submission is that during his life time Subir Ranjan</p>	

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	<p>Chaudhuri was allowed to withdraw provident fund of Rs.34,766/- and Group Insurance amounting to Rs.4,319/-. However, as till date gratuity, pension, arrear salary, leave encashment under career advancement scheme and family pension have not been released, appropriate order may be passed.</p> <p>Mr. G.P. Banerjee, learned advocate for the State respondent submits on instruction from the authorities that as suspension order was withdrawn and thereafter, departmental proceedings have been dropped, the applicant is entitled to the superannuation benefits, minus the benefits which he has already been received, in accordance with the service Rules.</p> <p>Mr. B. Mitra, the departmental representative of the respondent nos. 4, 5 and 7 adopts the submission of Mr. Banerjee.</p> <p>Having heard the learned advocates for the parties, as admittedly the suspension order of Subir Ranjan Chaudhuri was withdrawn on 29th December, 2011 and after Subir Ranjan Chaudhuri expired, the departmental proceedings, by order dated 25th January, 2019 were dropped, as evident from page 108 of the application, we are of the view that the applicant is entitled to the reliefs as sought for and therefore, the application is disposed of by directing the Director General, West Bengal Fire and Emergency Services, Government of West Bengal, the respondent no.2 to pass</p>	

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SCN.	<p>a reasoned order, to be communicated to the parties, regarding the disbursement of superannuation benefits, including family pension of late Subir Ranjan Chaudhuri, within a period of fifteen weeks from the date of presentation of a copy of this order after giving an opportunity of hearing to the applicants and after verifying the records and shall take suitable follow up steps for release of the dues.</p> <p>(S.K. Das) MEMBER (A)</p> <p>(Soumitra Pal) CHAIRMAN</p>	