

ORDER SHEET
WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

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

Case No – **OA 807 OF 2018**

Smt. Bimala Chowdhury & 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
08 12.02.2020	<p>For the Applicants : Ms. I. Chakraborty, Learned Advocate.</p> <p>For the Respondent : Mr. S. Ghosh, Learned Advocate.</p> <p>The applicants have prayed for direction upon the respondents for payment of interest on arrears of salary of the deceased Dr. Nirmal Chowdhury and for supply of break-up of arrears of salary for ascertaining the reasons for deduction of about Rs.3,00,000/- out of total arrears of salary.</p> <p>It appears from the materials on record that Dr. Nirmal Chowdhury, Medical Officer under West Bengal Health Service died-in-harness on December 11, 2012. The applicant no.1, Bimala Chowdhury is the mother of the deceased doctor and the applicant no. 2 is the dependent sister of the deceased doctor. What transpires from the materials on record is that the wife of the deceased doctor was separated during the life-time of the deceased Nirmal Chowdhury. Admittedly, the applicants received Rs.14,32,039/- as arrears of salary of the deceased Nirmal Chowdhury on May 4, 2018. The copy of letter dated November 17, 2016 addressed to the applicant no. 1 by the respondent no. 3 indicates that the arrears of salary of the deceased Nirmal Chowdhury would amount of Rs.16,00,000/- for which the applicant was asked to submit Succession Certificate from the competent</p>	

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Court of Law for disbursement of the said amount of money. The applicants had to approach this Tribunal by filing OA-1156 of 2016 praying for direction upon the respondents for release of arrears of salary of the deceased Nirmal Chowdhury. On April 11, 2017, this Tribunal disposed of OA-1156 of 2016 by giving direction to the Director of Health Services to take a decision with regard to release of arrears of salary of the deceased Nirmal Chowdhury. By the said order of the Tribunal, the applicants were asked to produce Indemnity Bond before the Director of Health Services for release of the amount of arrears of salary. On our query, neither Learned Counsel for the applicant nor Learned Counsel representing the state respondents could inform us of the date of submission of Indemnity Bond by the applicant for release of arrears of salary.

Ms. Chakraborty, Learned Counsel for the applicants, contends that the applicants are entitled to get interest on the arrears of salary received on May 4, 2018. On the other hand, Mr. Ghosh, Learned Counsel representing the state respondents, submits that there was no delay on the part of the state respondents in releasing the amount of arrears of salary, as the arrears of salary could not be calculated for unauthorised absence of the deceased Nirmal Chowdhury during the period from July 4, 1995 to March 15, 1998. He further submits that the absence of the deceased Nirmal Chowdhury was regularised by issuance of appropriate order only on July 18, 2012. However, the order was issued on July 7, 2014 for grant of benefit of Career Advancement

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Scheme in favour of the deceased Nirmal Chowdhury. Since the arrears of salary were not released in favour of the applicants, they had to move the Tribunal by filing OA-1156 of 2016 which was disposed of on April 11, 2017. Even if we give allowance for drawing up the bill for about six weeks, the amount of arrears of salary should have been released in favour of the applicants at least on June 1, 2017. No cogent explanation is forthcoming before us as to why the delay took place upto May 4, 2018 for disbursement of the amount of arrears of salary in the Bank Account of the applicants. The TDS must have been deducted by the concerned authority before release of the actual amount of arrears of salary in favour of the applicants and as such the amount of Rs.14,32,039/- was received by the applicants instead of Rs.16,00,000/- for which Succession Certificate was demanded from the applicants.

Under the above circumstances, we are of the view that the applicants are entitled to get interest on the amount of Rs.14,32,039/- during the period from June 1, 2017 to April 30, 2018. On consideration of the interest paid on the amount of GPF and PPF and the interest paid by the Nationalised Bank on long term fixed deposits, we are also of the view that the applicants are entitled to get interest @ 8% per annum.

In view of our above findings, we direct the respondent no. 3, Medical Superintendent-cum-Vice Principal, Sagar Dutta Medical College & Hospital to pay interest to the applicants in

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equal half share @ 8% per annum on the amount of Rs.14,32,039/- for the period from June 1, 2017 to April 30, 2018 within a period of 12 (twelve) weeks from the date of communication of the order.

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

Let a plain copy of this order be supplied to both parties.

(S.K. DAS)
MEMBER(A)

(R. K. BAG)
MEMBER (J)

Sanjib