

ORDER SHEET
WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

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

Case No – OA 921 OF 2019 [MA 6 of 2020]

Prasanta Ranjan Santra 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
03 13.02.2020	<p>For the Applicant : Mr. A.K. Niyogi, Learned Advocate.</p> <p>For the Respondent : Mr. S. Ghosh, Learned Advocate.</p> <p>For the AG (A&E),WB : Mr. B. Mitra, Departmental Representative.</p> <p>The applicant has prayed for direction upon the respondents for disbursement of the amount of General Provident Fund (in short, GPF). By filing Miscellaneous Application, the applicant has also prayed for direction upon the respondents for payment of provisional pension with effect from the month of November 2019 till conclusion of the departmental proceeding pending against him.</p> <p>It appears from the materials on record that the applicant retired from service as Superintending Engineer on October 31, 2016. The departmental enquiry started against him continued even after his retirement from service. Mr. Niyogi, Learned Counsel for the applicant submits that the departmental proceeding is still pending against the applicant. The applicant previously approached this Tribunal by filing OA-335 of 2017 which was disposed of on January 7, 2019. By order dated January 7, 2019, this Tribunal gave direction to the respondent no. 5, Director of Personnel and Ex-Officio Chief Engineer, Directorate of Water Resources Investigation and Development to grant provisional</p>	

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pension in favour of the applicant in terms of the provisions of Rule 10 (2) of the West Bengal Services (Death-cum-Retirement Benefit) Rules, 1971 within a period of eight weeks from the date of communication of the order. Mr. Niyogi submits that the applicant received a provisional pension till the month of October 2019, but the payment of provisional pension in favour of the applicant was stopped with effect from the month of November 2019.

Having heard Learned Counsel for the applicant, Learned Counsel representing the state respondents and the departmental representative of the respondent AG, West Bengal, we are of the view that the applicant should be paid provisional pension in terms of the provisions of Rule 10 (2) of the West Bengal Services (Death-cum-Retirement Benefit) Rules, 1971 till conclusion of the departmental proceeding pending against him. That apart, it is evident from letter dated December 5, 2016 addressed to the respondent no. 1 by the respondent no. 5 that the applicant submitted application in the prescribed format for final payment of the amount of GPF, but the amount of GPF has not yet been disbursed in his favour.

Under the above circumstances, we direct the respondent no. 5, Director of Personnel and Ex-Officio Chief Engineer, Directorate of Water Resources Investigation and Development to take necessary steps for payment of provisional pension to the applicant with effect from the month of November 2019 till conclusion of the departmental proceeding pending against the applicant, within a period of 8 (eight) weeks from the date of communication of the order. The respondent no. 5 is further

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directed to take necessary steps for disbursement of the final payment of the amount of GPF of the applicant within a period of 8 (eight) weeks from the date of communication of the order.

With the above direction, the Original Application and the Miscellaneous Application are **disposed of**.

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

(S.K. DAS)
MEMBER(A)

(R. K. BAG)
MEMBER (J)

Sanjib