

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

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

Case No – OA 94 OF 2017

Santi Ranjan Majumdar 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
14 02.07.2019	<p>For the Applicant : Mr. D. Sanyal, Learned Advocate.</p> <p>For the Respondent : None.</p> <p>For the AG (A&E), WB : Mr. B. Mitra, Departmental Representative.</p> <p>The applicant has prayed for direction upon the respondents to grant him retirement benefits as enumerated in paragraph (vii) of the pleading and other ancillary reliefs.</p> <p>The applicant retired as Constable of Police from the establishment of the Superintendent of Police, Birbhum on January 31, 2005.</p> <p>Having heard Learned Counsel representing both parties and on consideration of the materials on record, we find that the applicant has received all the retirement benefits after his retirement from service. He has received a sum of Rs.1,19,604/- as commuted value of pension, Rs.1,24,961/- as retiring gratuity, Rs.28,475/- as leave salary, Rs.3,840/- as group insurance and Rs.43,130/- as the balance amount of General Provident Fund.</p> <p>The contention of the applicant is that he is entitled to get Rs.17,458/- as balance amount of GPF till March 31, 2004 and Rs.30,000/- as balance</p>	

ORDER SHEET

Santi Ranjan Majumdar

Form No.

Vs.

The State of West Bengal & Ors.

Case No. **OA 94 OF 2017**

amount of GPF during the period from April 1, 2004 to January 31, 2005. On consideration of the report submitted on behalf of the respondent no. 2, we find that the applicant was entitled to get only Rs.43,130/- till the date of his retirement on January 31, 2005. The break-up of the balance amount of GPF to the tune of Rs.43,130/- as shown in the report of the respondent no. 2 is quoted below :

<i>“Closing Balance as on 31st March 2004---</i>	<i>Rs.60,588/-</i>
<i>Prior period credit adjustment on account</i>	<i>Rs.33,798/-</i>
<i>Of arrear pay under ROPA 98 of</i>	
<i>Rs.20,291/- (vide T.V. No.322 dated</i>	
<i>27.03.2000)+accumulated interest on</i>	<i>_____</i>
<i>Rs.20,291/-</i>	
<i>Opening Balance as on 1st April,2004</i>	<i>Rs.94,386/-</i>
<i>Deposit during the period upto 31.10.2004</i>	<i>Rs.24,000/-</i>
<i>@Rs.3000/- x 8 months</i>	
<i>Interest</i>	<i>Rs. 4,644/-</i>
<i>Arrear subscription adjustment credit</i>	<i>Rs. 100/-</i>
<i>Total</i>	<i>Rs.1,23,130/-</i>
<i>Less : Non Refundable withdrawal</i>	<i>(-) Rs. 80,000/-</i>
<i>(vide T.V. No. 88 dated 16.08.2004)</i>	
<i>Final Amount Payable</i>	<i>Rs. 43,130/-“</i>

On consideration of the break-up of the balance amount of GPF of the applicant as shown in the report of the respondent no. 2, we find that the applicant has suppressed the fact of non-refundable withdrawal of the amount of GPF to the tune of Rs.80,000/-. The applicant has also made claim by making false statement that he contributed to the GPF till the last month of his retirement, as the rules do not permit credit of subscription to GPF three months before the

ORDER SHEET

Santi Ranjan Majumdar

Form No.

Vs.

The State of West Bengal & Ors.

Case No. OA 94 OF 2017

date of retirement. Since the amount of Rs.43,130/- was paid to the applicant as the balance amount of GPF, the applicant is not entitled to get any amount of retirement benefit from the respondents.

The applicant has wilfully suppressed the fact of non-refundable withdrawal of Rs.80,000/- from the GPF while he was in service. The applicant has also made false claim of making contribution to GPF during last three months of his retirement. In view of suppression of facts by the applicant intentionally, we are constrained to hold that the present application is filed by the applicant on frivolous ground in order to harass the respondents. We would, therefore, like to impose exemplary cost of Rs.10,000/- on the applicant.

The original application is, thus, **dismissed** with cost of Rs.10,000/-.

The applicant is directed to deposit cost of Rs.10,000/- to the respondent no. 4, Superintendent of Police, Birbhum within a period of 8 (eight) weeks from the date of this order.

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

(S.K. DAS)
MEMBER(A)

(R. K. BAG)
MEMBER (J)

Sanjib