

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

The Hon'ble Mrs. Urmita Datta (Sen)
& The Hon'ble Dr. A. K. Chanda

Case No – OA -715 OF 2016

Mr. Prasanta Kumar Biswas 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>09 <hr/>27/02/2018</p>	<p>For the Applicant : Mrs. S. Roy, Mr. M. Roy, Ld. Advocates</p> <p>For the State Respondents : Mr. Sankha Ghosh, Ld. Advocate.</p> <p>For A.G. West Bengal: Mr. B. Mitra, Departmental Representative</p> <p>The instant application has been filed praying for following relief:</p> <p>a. To direct the respondents to release the balance retrial benefit i.e. GISS (Group Insurance), Provident Fund amount of Rs.46,847/-, and Gratuity Rs.5,80,608/- deducting Rs.25,628/- towards outstanding interest of his House Building Loan forthwith together with an interest at the rate of 18% per annum from the date of his retirement i.e. 01.01.2011 till date of realization.</p> <p>b. To issue any other appropriate order or orders to which your applicant is entitled to get.</p> <p>The Counsel for the Applicant, during the course of hearing, has fairly submitted that belatedly the Applicant has received the entire PF amount along with the appropriate interest. Therefore, he has no claim of interest on delayed payment of PF amount. However, the Applicant has received the gratuity amount after</p>	

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	<p>deducting interest on loan amount only on 21.06.2017 and the GISS amount was received by him on 01.02.2018. Therefore, the Counsel for the Applicant has prayed for interest on the delayed payment of gratuity and GISS. Mr. S. Ghosh, Learned Advocate appearing for Respondent Nos.1 and 4 has drawn our attention to the order dated 16.01.2018 passed by the Principal Secretary to the Government of West Bengal and has tried to convince the Court about the reasons for such delay. We have gone through the order dated 16.01.18 and on perusal of the same, it is noticed that due to their internal difficulties / latches they could not finalise the amount to be paid to the Applicant.</p> <p>Therefore, in our considered view, the Applicant is entitled to interest for such delay in payment of retrial dues since he retired on 31st December 2010 and as per service rules, the department should complete the due settlement before the date of retirement and make payment after deducting government dues, if any. But, in the instant case, the respondent had withheld the entire PF, Gratuity and GISS amount for non-settlement of house building loan to the tune of Rs.25,628/- out of total of Rs.6,62,882/- however with regard to PF, the interest has already been paid to the Applicant.</p> <p>Therefore, we direct the Respondent Authorities to make payment of interest @ 8% per annum from the date of his retirement till the actual date of payment</p>	

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GM	<p>within a period of two (2) months from the date of receipt of this order.</p> <p>Accordingly, the matter is disposed of.</p> <p>DR. A. K. CHANDA MEMBER(A)</p> <p>URMITA DATTA (SEN) MEMBER(J)</p>	

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