

ORDER SHEET

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman

Case No. – MA 5 of 2021 (OA 66 of 2019)

NANDADULAL BISWAS - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order For the Applicant : Mr. A. Hati,  
Advocate

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10.02.2021 For the Respondents : Mr. S. Ghosh,  
Advocate

The matter is taken up by the single Bench pursuant to the notification no.949-WBAT/2J-15/2016 dated 24<sup>th</sup> December, 2020 issued in exercise of the powers conferred under sub-Section (6) of Section 5 of the Administrative Tribunals Act, 1985.

It is submitted by Mr. A. Hati, learned advocate for the applicant that since the applicant has superannuated on 31<sup>st</sup> December, 2020 and the question of voluntary retirement does not arise, appropriate direction may be issued for grant of pensionary and other admissible benefits.

SCN. Mr. S. Ghosh, learned advocate for the State respondents submits that the Miscellaneous Application is not maintainable.

Submission is since the applicant after filing the application for voluntary retirement had absented from 31<sup>st</sup> July, 2017 till 31<sup>st</sup> December, 2020 and as the said leave has not been regularised, no order may be passed. In this regard he has furnished a memo dated 9<sup>th</sup> February, 2021 issued by the Deputy Director of Health Services (Administration), West Bengal to the Medical Superintendent-cum-Vice Principal, Murshidabad Medical College Hospital, Murshidabad, regarding pensionary and other retirement benefits of the applicant. Let the same be kept on record.

Let the matter appear under the heading "Admission Hearing" on 7<sup>th</sup> April, 2021.

Pendency of this application shall not prevent the respondent authorities from proceeding in accordance with law with regard to the disbursement of the superannuation and other benefits of the applicant.

(SOUMITRA PAL)  
CHAIRMAN