

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Mrs. Urmita Datta (Sen), Member (J),

Case No. MA – 94 of 2021 & MA 71 of 2022 (OA – 475 of 2021)

Anil Kumar Samanta - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. For the Applicant : Mr. S. Majumder,
and Advocate

Date of order

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27.07.2022

For the State Respondents : Mr. A. De,
Ms. R. Sarkar,
(Departmental Representatives),
Land & Land Reforms Department.

For Public Service Commission, W.B. : Mr. S. Bhattacharjee,
Advocate

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 354 – WBAT / 2J-15/2016 dated 18th May, 2022 issued in exercise of the powers conferred under Section 6(5) of the Administrative Tribunals Act, 1985.

The counsel for the applicant has submitted that the instant application has been filed praying for following reliefs:

“a) Directing the respondent authorities concerned, each one of them, their men, agents, servants, subordinates and/or assigns to forthwith rescind/cancel and/or withdraw the purported decision, if any, to withhold in passing the Final Order in connection with the Second Show-Cause, bearing No. 24355-AP/4A-30/13 dated September 24, 2019 issued by the learned Reforms Commissioner and Principal Secretary, Department of Land and Land Reforms and Refugee Relief and Rehabilitation, Government of West Bengal.

b) Directing the respondent authorities concerned, each one of them, their men, agents, servants, subordinates and/or assigns to forthwith release/disburse the entire

ORDER SHEET

Form No.

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THE STATE OF WEST BENGAL & ORS.

amounts of Pension as well as Gratuity with the arrear amounts alongwith statutory interest upon the same from the date the applicant is not paid his full pension with fixation of pay till the same is being disbursed/released in his favour.

c) Rule Nisi in terms of prayers (a) as above.

d) Any other or further order or orders and/or direction or directions as this Hon'ble Tribunal may seem fit and proper.

e) Leave may be granted to move this application.”

The counsel for the applicant has submitted that though he has challenged the Second Show-Cause Notice dated 24.07.2019 on the ground of delay and latches, however, in the mean time, the disciplinary authority has passed final order dated 5th May, 2022 and the respondent authority had also proceeded with the payment of pension and pensionary benefit. Since the final order was passed, the applicant wants to challenge the final order. Thus he does not want to press this application presently with a liberty to challenge the Final Order.

However, the departmental representative has submitted that they have proceeded with the admissible portion of pension and pensionary benefit as per final order dated 5th May, 2022 and has placed one Memorandum dated 15.07.2022 referring that the applicant needs to submit some documents.

Accordingly, the O.A. and M.A.s are disposed of with a liberty to file fresh, if so advised.

**URMITA DATTA (SEN)
MEMBER (J)**

A.K.P.