

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson and Administrative Member

Case No. – OA 821 OF 2022

DR. ANIL KUMAR GUPTA – VERSUS- THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	:	Mr. Anil Kumar Gupta, (Applicant appears in person)
	For the State Respondents	:	Mr. S.N. Ray,
<u>6</u> 22.01.2024	For the Principal Accountant General (A&E), West Bengal	:	Mr. Biswanath Mitra, Departmental Representative

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No.638-WBAT/2J-15/2016 (Pt.-II) dated 23rd November, 2022 issued in exercise of the powers conferred under section 5(6) of the Administrative Tribunals Act, 1985.

Appearing in person, Dr. Anil Kumar Gupta, the applicant submitted the written notes of argument. Let it be kept on record. Copy served on the other side.

On consent of the learned counsels for the parties, the case is taken up for consideration sitting singly.

The prayer in this application is for releasing the pension and other retirement benefits to the applicant. The applicant superannuated at the age of 65 years on 31.03.2022 holding the post of Medical Officer under the Health and Family Welfare Department. Since such pension and retirement benefits were not sanctioned in his favour, the applicant had furnished a representation before the State respondents.

Submission is that despite having no disciplinary proceedings or any other issue, which would have inhibited the respondents from sanctioning such a pension, however, till date neither such benefit has been accorded, nor his representations answered. Therefore, he prays for a direction to the respondent authorities to accord sanction to his pension as well as other retiral benefits. Dr. Gupta prays a suitable direction to the respondent authorities for release of his pension since it is not only his fundamental right, but due to deprivation of his rightful pension he is under severe financial stress.

Appearing on behalf of the respondent authorities, Mr. S. N. Ray submits that there is no intentional lacuna or laches on part of the respondent authorities for not

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sanctioning his pension. His long unauthorised absence of more than 2000 days, which cannot be regularised and the matter of regularisation of his unauthorised absence is a matter of subjudice and two contempt applications C.C.P. 42 of 2022 and C.C.P. 43 of 2022 are pending for orders in this Tribunal. Since the two contempt applications are still being heard and yet to be disposed of, the prayer in this application for pension and retiral benefits cannot be decided by the respondents on its own.

Since this matter relates to pension and retiral benefits of this applicant, the Tribunal finds it necessary for the respondent authorities to file a reply stating reasons why his pension and retiral benefits have not been sanctioned yet.

Let such reply be filed by the next date and the rejoinder, if any, in the meantime and the matter to appear under the heading "For Orders" on 19.03.2024.

(SAYEED AHMED BABA)
OFFICIATING CHAIRPERSON
and MEMBER (A)

SCN.

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