

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

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

**Case No. OA – 866 of 2021**

**Sunirmal Mahapatra - VERSUS - THE STATE OF WEST BENGAL & ORS.**

Serial No. and Date of order	For the Applicant	: Mrs. S. Agarwal, Advocate
<u>3</u> 10.05.2022	For the Respondents	: Mr. G.P. Banerjee, Advocate
	For A.G. (A & E), West Bengal	: Mr. B. Mitra, Departmental Representative

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 118-WBAT/1E-08/2003 (Pt. – II) dated 11<sup>th</sup> February, 2022 issued in exercise of the powers conferred under Section 6(5) of the Administrative Tribunals Act, 1985.

With the consent of both the parties, the matter has been taken up for hearing.

The instant application has been filed by the applicant praying for fixation of his pay as well as payment of revised pension. As per the applicant, this is a fourth time litigation and he had approached before this Tribunal in O.A. No. 606 of 2013, which was disposed of by judgement dated 03.06.2014 with a direction to the respondents to resubmit the pension papers of the applicant after sanctioning the revised pension on the basis of last pay as asked by the office of the A.G., W.B., within a period of four weeks. Thereafter, the office of the Accountant General vide their letter dated 12.05.2015 (Annexure 'P') as well as 25.08.2015 had asked the official respondents to resubmit documents for the purpose of fixation of pension. However, till date, he has not received any revised pension.

The Departmental Representative of the A.G. has submitted that they have already asked for resubmission of the pension papers on 11.09.2015, but, till

date, they have received nothing from the concerned department.

However, the counsel for the respondent has prayed for last accommodation to implement the order dated 03.06.2014.

As per the counsel for the applicant, the applicant is a senior citizen. He is 90 years of age.

Heard the parties and perused the records. It is noted that the applicant has asked for re-fixation of his pay and subsequent payment for pension and approached this Tribunal earlier in O.A. No. 650/2013, which was disposed 03.06.2014 with following direction:

*“5. Under these circumstances, we direct the respondent no. 2, that is, the Director of Agriculture to issue a categorical order fixing the pay of the petitioner in the selection grade scale of pay of Rs. 370-535/- in terms Order No. 2660(125) dated 22.02.2002 and to re-fix his pay consequent upon subsequent revision of pay and allowances till the date of his retirement. This has to be completed within 6 (six) weeks from the date of communication of this order. The concerned Drawing and Disbursing Officer shall draw the arrears of pay and allowances consequent upon such re-fixation and disburse the same to the petitioner within 6 (six) weeks thereafter.*

*6. We also direct the pension sanctioning authority to resubmit the pension case of the petitioner after sanctioning revised pension on the basis of the last pay so re-fixed to the office of the Accountant General within a further period of 4 (four) weeks.*

*7. We further direct the Accountant General (A & E) to sanction revised retirement benefits to the petitioner within 6 (six) weeks from the date of receipt of the sanction order from the pension sanctioning authority.*

Form No.

**Sunirmal Mahapatra**

**Vs.**

Case No. **OA – 866 of 2021**

**THE STATE OF WEST BENGAL & ORS.**

- 8. We make it abundantly clear that if the fixation of pay is not made by the Director of Agriculture within a stipulated period of 6 (six) weeks and the arrears of pay consequent upon such re-fixation are not paid within 6 (six) weeks thereafter, then the respondent authorities shall be bound to pay interest @ Rs. 8% p.a. from the date of filing the earlier application being OA No. 1471 of 2006, which is May 11, 2006 up to the date of actual disbursement.***
- 9. We also hold that this a fit case for awarding cost upon the respondents and we accordingly impose a cost of Rs. 10,000/- (Rupees ten thousand) only to be paid by the respondent authorities to the petitioner within a period of 3(three) months from the date of communication of this order.***
- 10. The application is disposed of with the aforesaid findings and directions.”***

From the above as well as the letter dated 12.05.2015 and 25.08.2015, it is noted that nothing has been left to adjudicate further but to implement the order dated 03.06.2014. Therefore, Last chance is granted to the Respondent No. 2(ii) to take appropriate steps to implement the order 03.06.2014 strictly within a period of six weeks from the date of receipt of the order. Accordingly, the O.A. is disposed of with no order as to cost.

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

A.K.P.