

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

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

Case No. – OA-875 of 2021

Serial No. and Date of order	Paresh Chandra Bera	VERSUS – The State of West Bengal & Ors.
	For the Applicant	: Mr. G. Halder, Learned Advocate.
	For the State Respondents	: Mrs. S. Agarwal, Learned Advocate.
	For the P.S.C., W.B.	Mr. S. Bhattacharjee, Learned Advocate.

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26.04.2022

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 11th February, 2022 issued in exercise of the powers conferred under Section 6 (5) of the Administrative Tribunals Act, 1985.

On consent of counsel of all the parties, matter has been taken up.

In the instant application, the respondents were granted repeated opportunity to file reply though last opportunity was granted to file reply vide order dated 15.03.2022. However, no reply has been filed till date. Today, counsel for the respondent has prayed for one more accommodation to file reply. Prayer is allowed.

The counsel for the P.S.C. has submitted that no departmental proceeding file has been received by the P.S.C. till date for their advice and as the applicant has presently no grievance against them, they may be expunged from the array of respondents.

The counsel for the applicant has submitted that the respondents have issued Second Show Cause Notice without taking advice from the P.S.C. (which would be evident from the Second Show Cause Notice dated 08.10.2021) under W.B.S.(C.C.A) Rules, 1971 whereas the applicant already retired on 31.05.2020. Therefore, the instant Second Show Cause Notice is nonest in the eye of law as well as contrary to the direction of the Tribunal vide order dated 30.08.2018 passed in OA-428 of 2018. Therefore, he has prayed for quashing of the

ORDER SHEET

Form No.

Paresh Chandra Bera

Vs.

Case No. **OA-875 of 2021**

The State of West Bengal & Ors.

disciplinary proceedings and disbursement of all arrear pension and other pensionary benefits.

Heard the parties.

During the course of hearing, the counsel for the respondent has placed some note sheets as well as Second Show Cause Notice and as per the submission of the learned advocate of the P. S.C., it is evident that the respondents have issued Second Show Cause Notice without any advice from the P.S.C. under W.B.S. (C.C.A) Rules, 1971. The counsel for the respondent has submitted that they have already granted Provisional Pension.

In view of the above, counsel for the applicant has prayed for continuation of provisional pension till the disposal of the OA. Prayer is allowed. Respondents are further directed to continue provisional pension in the meantime and make payment admissible retirement benefit as per rules. Reply/rejoinder, if any, in the meantime.

Let the matter be listed for final hearing on **10.06.2022**.

URMITA DATTA (SEN)
MEMBER (J)

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