

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman.

Case No. - OA 119 of 2021

Md. Sahabuddin - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	: Mr. B. Ahmed, Advocate.
	For the State Respondent	: Mr. D. Kole, Advocate.
<u>02</u> 05.04.2021	For the Principal Accountant General (A&E), West Bengal	: Mr. B. Mitra, Departmental Representative.

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

Affidavit of service filed be kept on record.

In this application, Md. Sahabuddin, the applicant has prayed for certain reliefs, the relevant portion of which is as under :

“ a) A direction do issue upon the concerned respondents to release and / or disburse the retirement and pensionary benefits as well as other admissible benefits along with admissible interest and to take other steps in accordance with law immediately.

b) A direction do further issue upon the concerned respondents to consider and dispose of the representations made by the applicant to disburse the retirement and pensionary benefits as well as other admissible benefits alongwith admissible interest without any delay.”

The applicant, who was a Sub-Inspector in the Food and Supplies Department, had superannuated on 31st January, 2020. Prior to his appointment the applicant was a practising advocate at Suri in the district of Birbhum. In 2009, while the petitioner was in service, a

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criminal case was instituted against him, which is continuing.

It is submitted by Mr. B. Ahmed, learned advocate for the applicant that since the pendency of a criminal case does not prevent the respondent authorities to grant pension, appropriate direction may be issued upon the respondent authorities to grant pension. Reliance has also been placed upon an intimation issued by the Senior Accounts Officer / Pension Cell, addressed to the Sub-Divisional Controller (Food & Supplies), Bolpur, Birbhum, the respondent no. 5, whereby the authorities have been requested to scrutinise again the present status of the police case against the applicant and in case the case is still pending, interim allowance may be allowed from the date of superannuation. Let a copy of the said intimation filed be kept on record.

Mr. B. Mitra, the Departmental Representative for the Principal Accountant General (A & E), West Bengal, the respondent no. 2, submits on instruction that grant of pensionary benefits to the applicant has been withheld on the ground of pendency of a criminal case against the applicant.

Mr. D. Kole, learned advocate for the State respondents submits that since a criminal case is pending against the applicant, no order may be passed. However, in the event, the applicant seeks interim allowance, an application to that effect be furnished before the authorities.

In reply, Mr. Ahmed submits that if an application is filed by the applicant praying for interim allowance, then the respondent authorities may be directed to consider the same in accordance with law.

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Having heard the learned advocates for the parties and considering the submission made by the learned advocate for the applicant and as I find a criminal case is pending against the applicant, the application is disposed of by granting liberty to the applicant to file a representation praying for interim allowance before the Sub-Divisional Controller (Food & Supplies), Bolpur, Birbhum, the respondent no. 2(5) within 4 weeks from the date of obtaining a copy of this order downloaded from the internet / website. If representation is filed, the same shall be disposed of by the Sub-Divisional Controller, Food & Supplies, Bolpur, Birbhum, the respondent no. 2(5) by passing a reasoned order within 10 weeks, after giving an opportunity of hearing to the applicant and after making necessary enquiry and shall send the said reasoned order along with Pension Payment Order which has been already sent by the Principal Accountant General (A & E), West Bengal to the respondent no. 2(5), within a week thereafter. After receiving the order passed by the respondent no. 2(5) along with the PPO, the Principal Accountant General (A & E), West Bengal, the respondent no. 2(2) shall pass necessary orders for grant of interim allowance in accordance with law within 8 weeks.

(SOUMITRA PAL)
CHAIRMAN

Rajib