

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- 129 of 2024

Duli Hembram & Ors. - Vs - The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicant

:

Mr. S. N. Ray,
Learned Advocate.

03

13.08.2024.

For the State Respondents

Mrs. S. Agarwal,
Learned Advocate.

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.

The applicant has prayed for a direction to release the interest @18% per annum for delayed payment of wages earned by her deceased husband as a prisoner. The prayer also is for releasing deceased employee's provident fund and gratuity. Mrs. S. Agarwal, learned counsel submits that though there was some delay in releasing the wages, but such delay was due to the late submission of the claim form by the applicant. The deceased employee and husband of the applicant had died in prison on 29.01.2020. Mrs. Agarwal also submits that for release of provident fund and gratuity, if admissible, the Department of Home & Hill Affairs is the proper Department.

Mrs. Agarwal files reply. Copy served to Mr. Ray. Be kept on record.

The Tribunal after hearing the submissions and examining the records has come to the finding that there was no delay on part of the respondent authorities in releasing the wages. It is evident from the records that the Tribunal in OA-345 of 2020 had directed the Superintendent of Dumdum Central Correctional Home to consider the representation of the applicant praying for release of wages earned by the deceased husband of the applicant as a prisoner. Shortly, on

ORDER SHEET

Form No.

Duli Hembram & Ors.

Vs.

Case No **OA- 129 of 2024**

THE STATE OF WEST BENGAL & OTHERS.

11.07.2023 itself, the respondent authority released Rs.1,25,721/- as principal amount of wages and Rs. 1,698/- as interest totalling Rs. 1,27,419/- earned by the deceased husband Kartick Chandra Hembram to the applicant. From these two dates, it is evident that the respondent authorities cannot be blamed for delay in releasing of such wages, and therefore, interest @ 18% cannot be claimed. As regards release of Provident Fund and Gratuity of the deceased employee, it has been made clear that, it is the Home & Hill Affairs Department who is the authority to consider prayers for release of such benefits. The deceased husband of the applicant was a constable under West Bengal Police, therefore, the Home & Hill Affairs Department is the appropriate authority to approach for release of Gratuity and Provident Fund. Since no separate representation has been made so far by the applicant before the Home & Hill Affairs Department, The Principal Secretary, Respondent No. 2(f) is requested to consider the prayer for release of Provident Fund and Gratuity, if such a representation is filed by the applicant before her Deptt. within a reasonable period time. Let copy of this order also be served upon the respondent authorities. The application is disposed of.

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

sc