

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 150 of 2020

SUBHAS CHANDRA MUKHERJEE - Vs - THE STATE OF WEST BENGAL & OTHERS.

Serial No. and

Date of order

09

18.05.2023

For the Applicant : Mr.J.Basu
Mr.T.Chatterjee
Advocates

For the State Respondents : Mr.Goutam Pathak Banerjee
Advocate

For the Principal Accountant : Mr.Biswanath Mitra
General (A&E) West Bengal (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.

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

The prayer in this application is for a direction to the respondent authority to disburse revised pension which has been withheld. It appears from the application that the applicant's proposal for revised pension was examined by the office of the Principal Accountant General and since one defalcation case was pending against the applicant, the proposal was not accepted. Earlier in a letter to B.D.O. Purbasthali-I on 04.03.2014, the office of the Principal Accountant General had asked whether the case of defalcation allegedly by the applicant happened during his regular employment or after re-employment. The same letter also informed that due to pendency of a civil suit against the applicant, no action could be taken towards revision of his pensionary benefits. Therefore, the letter requested for resubmission of the proposal for revised pension only after finalization of the legal proceedings.

Submission of Mr.J.Basu, learned counsel for the applicant is that, although the office of Principal Accountant General had asked the B.D.O. Purbasthali-I to submit replies to the clarifications, however, till date no such replies have been furnished. Therefore, a direction may be given to the B.D.O. Purbasthali-I to submit the clarifications asked for by the office of the Principal Accountant General in its letter dated 31.08.2015.

After hearing the submissions of the learned counsels and the learned Departmental representative, the matter is disposed of by directing the respondent No.2, B.D.O. Purbasthali-I to furnish the replies sought by the Principal Accountant General (A&E) West Bengal in its letters dated 04.03.2014 and 31.08.2015 regarding status of pending defalcation and civil suit against the applicant to the office of the Principal Accountant General (A&E) West Bengal within a period of six weeks from the date of communication of this order.

Accordingly, the application is disposed of.

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

BLR