

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-158 of 2021

SANATAN MURMU @ SANATAN MURMMU -- VERSUS – The State of West Bengal & Others.

Serial No.	For the Applicant	:	Ms. Gargi Roy,
and			Learned Advocate
Date of			
order	For the State Respondents	:	Mr. Gautam Pathak Banerjee,
			Mr. Gaurav Haldar,
			Learned Advocates

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19.06.2025

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.

In this application, the applicant has prayed for a direction to the respondent authorities to pay his pension amount from the date of retirement along with General Provident Fund and other retirement benefits after considering his representation dated 07.02.2021 and by completing his service book.

The applicant, while working at Phoolbagan Police Station as a Constable in the year 1992, was convicted in a criminal case, being Sessions Trial No.1(1) of 1993 / Sessions Case No.23(II) of 1992 under Section 366 of the Indian Penal Code and was sentenced to suffer a rigorous imprisonment for 6 years with a fine i/d rigorous imprisonment for 5 months by the learned Additional Sessions Judge, 5th Court, Alipore. In view of the above conviction, the applicant was suspended from 23.09.1992 to 12.09.1993 and by an order No.1289 dated 13.09.1993, he was dismissed from service on 13.09.1993 by the then Deputy Commissioner of Police (ESD), Kolkata Police Force. In an appeal, being Criminal Appeal No.236 of 1993, the Hon'ble Calcutta High Court acquitted the applicant by its judgement dated 21.05.2002. Since the applicant was at the verge of retirement at that point of time, he could not pray for service benefits. He is not getting any pension and other retirement benefits like provident fund and gratuity after his acquittal. On 07.02.2021, the applicant submitted his representation before the respondent authorities praying for disbursement of pension and other retiral benefits. Since the authorities did not take any decision on his prayer and being aggrieved by such inaction, he approached this Tribunal on 24.02.2021 by way of filing this original application.

Having heard the submissions of the learned counsels and after examination of the records, the Tribunal finds the applicant was dismissed from service with effect from

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13.09.1993. After he was acquitted by an order of the Hon'ble High Court on 21.05.2002, till date, the order of dismissal from service has neither been assailed nor declared invalid by any competent Court of Law. Further, the applicant has not served such length of service which would qualify him to receive pension. A dismissed employee is not entitled for receiving pension as per Rules. Other benefits, like leave salary, Group Insurance and GPF have already been released to him during 2022-23. Thus, there is no merit in this application. The application is disposed of without passing any orders.

SCN.

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