

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present- *

The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson & Member (A)

Case No. – OA 180 of 2024

Malaya Kanta Murmu -- VERSUS – The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicant : Mr. S.N. Ray, Ld. Advocate.

For the State Respondent : Mrs. S. Agarwal, Ld. Advocate.

For the Pr.AG (A&E), WB : Mr. B. Mitra, Ld. Depttl. Rep.

04

09.01.2025

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.

The prayer in this application is for a direction to the respondent authorities to consider the representation dated 21.12.2023. Submission of Mr. S.N. Ray, learned counsel for the applicant is that as stated in the representation, though the Principal Accountant General (A&E), has issued the Pension Payment Order No. 112393477 and also sanctioned order for retiral benefits, however, the office of the Director of Mass Education Extension has not yet released the same.

Mrs. S. Agarwal, learned counsel refers to a letter of the Principal Accountant General (A&E) addressed to the respondent authority making references to some anonymous letters complaining against the applicant. From the submissions and the representation filed by the applicant, it appears that the PPO No. 112393477 was issued in favour of the applicant on 21.11.2023, but the final process of transferring the pension amount to the applicant has been withheld seemingly due to some anonymous letters forwarded by the office of the Principal Accountant General (A&E). The Tribunal had made it clear to Mrs. Agarwal that when the PPO has already been issued, the pension of the applicant cannot be withheld or delayed on the pretext of some complaint written by anonymous persons. It is the duty and obligation of the respondent authorities to release the pension once the PPO has been issued unless such pension can be withheld as per rules.

The Tribunal examined the documents in this application and particular attention has been drawn to a part of the reply furnished by the Director of Mass Education Extension. In the reply appearing at bullet nos. 1,2,3 & 4 of the last page, the Director records the following :

“In this context, it is most respectfully and humbly submitted that this Respondent has no intention to withhold or delay the release of pensionary

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benefits of the applicant”. “It is only on the instruction and advice of the Principal Accountant General, West Bengal, the case of the applicant is being examined in the light of the complaint”.

A complaint was filed by one Md. Nazimuddin before the Principal Accountant General, West Bengal on 01.09.2023 and the same was forwarded to the Director, Mass Education Extension along with the PPO on 29.11.2023. In the report, it is also revealed that such complaint was received two months prior to sanction of the pension by the Principal Accountant General, West Bengal. It is clear that a person named, Md. Nazimuddin whose relevance in this pension matter is not at all clear has been taken cognizance both by the Principal Accountant General and the Director, Mass Education Extension. It appears to be sheer harassment to an employee who had retired and whose pension was withheld even after PPO was issued by an arbitrary act and whimsical decision of the Director. From the reply, it also appears that the Director was not pleased with Mr. Murmu, the applicant who had left an e-file pertaining to one Mr. Khanra unattended till his retirement. The Tribunal fails to understand why the complain by an unknown and un-related person was the ground for withholding his pension. The Tribunal has come to this conclusion that the Director, Mass Education Extension has acted arbitrarily without any powers and exceeded his brief by stopping the pension of the applicant.

From the letter no. Pen.X/2242387001/3/31023329581 dated 30.10.2023 presented by Mr. Mitra, the following advice was given by the Principal Accountant General (A&E) to the Director which is cited below :

“A considerable number of representations has been received by this office for the last few months in connection with violation of service rules by Shri Murmu. photocopy of one of the same, is being enclosed herewith for perusal at your end.

It is, therefore, requested to examine the merit of the enclosed representation before drawal of bills for the payment of pensionary benefits reported hereinabove under intimation to this office.”

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From the wordings of the letter addressed to the Director, it is apparent that a strong advice was communicated to examine those anonymous letters before releasing the pensionary benefits of the applicant. It is obvious that the Director having gone through this communication was careful and after examining the letter and as a precautionary measure, the pension was withheld.

It has become clear to this Tribunal that the office of Principal Accountant General (A&E) unnecessarily entertained an anonymous complaint against the applicant, even though his pension was sanctioned and PPO issued. It was not necessary for the Principal Accountant General to further send the anonymous letter to the Director for further examination. In such cases, when members of the public complain about an employee, it would have been wiser if the complainant was advised to lodge such complaints before the employer. The office of the Principal Accountant General (A&E) had no business to entertain such complaints against an employee. Thus, the Tribunal has come to this conclusion that without any substantive reason, the pension of the applicant was withheld though his PPO was already issued. This was highly irregular on part of both the Principal Accountant General (A&E) and the Director, Mass Education Extension. Therefore, this Tribunal passes a direction to the respondent no. 2, the Director of Mass Education Extension, the Pension Sanctioning Authority to disburse pension of the applicant without further delay, but positively within three (03) weeks from the date of communication of this order. Accordingly, this application is **disposed of.**

CSM/SS

SAYEED AHMED BABA
Officiating Chairperson & Member (A)