

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Mrs. Urmita Datta (Sen), Member(J). &

The Hon'ble Mr. Sayeed Ahmed Baba, Member(A)

Case No. – OA 192 of 2018

Lakshman Mohan Sur- VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	: Ms. S. Adhikari, Learned Advocate.
	For the State Respondents	: Mr. S. K. Chakraborti, Learned Advocate.
<u>16</u> 30.09.2021	For A.G. (A&E), W.B.	: Mr. B. Mitra, Departmental Representative.

Today the counsel for the applicant has vehemently submitted that even after granted repeated opportunity to the respondents specially to the District Inspector of Schools (Secondary Education), Howrah till date he has not been paid G.P.F, Leave Encashment and arrear pension. He has only received Rs. 3,088/- as provisional pension. Though, he was getting subsistence allowance to the tune of Rs. 12,558/-. The official respondents has referred one letter dated 28.09.2021 addressed to the Counsel by the District Inspector of School (Secondary Education), Howrah of the Learned Advocate, wherein it is stated inter-alia :

In compliance with the order of the Hon'ble West Bengal Administrative Tribunal passed on 10/07/2019 and 12/07/2019 (order copy enclosed/4 & 5), the provisional pension of the applicant has already been started since the month of September 2019 and thereby released the same, an amount of Rs. 3,088/- per month (calculation of Provisional Pension-Basic Pay-Rs. 6,175/- as on 11.10.2006 (Suspended), Provisional Pension-Rs. 6,175/2 = 3,088/-, as mentioned in the sanctioned order in terms of Govt. order No. 547-F (Pen) dated 22.04.1993 read with G.O. No. 10000-F dated 13.09.1982) to the applicant's bank account upto August 2021 uninterruptedly. (Copy enclosed/6)

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In compliance with the order of the Hon'ble West Bengal Administrative Tribunal passed on 10/07/2019 & 12/07/2019, the file of the final payment of G.P.F balance of the applicant has been submitted on 16.03.2020 to the office of the Principal Accountant General (A&E), West Bengal. (Copy enclosed/7). But till date, payment has not been made to the applicant.

The Departmental Representative of the Principal Accountant General (A&E), West Bengal has referred one letter dated 08.06.2020 whereby in reply to the Memo dated 16.03.2020, A.G. W.B. has asked for certain information and documents from the Department. However, till date those documents have not been submitted by the District Inspector of School (Secondary Education), Howrah. Let the copy of the letter be kept on record. However, the Departmental Representative of A.G (A&E), W.B. has drawn our attention that one criminal case is still pending. The applicant would be entitled for interim allowance instead of provisional pension as per Rule 14 of DCRB Rules, 1971.

Heard both the parties and perused the record. On perusal of the letter dated 28.09.2021 issued by the District Inspector of School (Secondary Education), Howrah, it is noted that final payment of G.P.F. has not been made by the applicant. Even the basis of calculation of provisional pension is also not been clarified. The applicant has not been paid Leave Encashment, arrear pension etc. Though our previous order dated 17.12.2019, 03.03.2020, 12.03.2021 as well as on 09.09.2021, repeated chances was granted to the District Inspector of School (Secondary Education), Howrah to comply with 10.07.2019 and 17.12.2019. However, today the Learned Counsel for the state

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respondents has only submitted the letter dated 29.03.2021 addressed to him which is not at all satisfactory as per our opinion. Therefore, we have no alternative to direct the respondent no. 3, i.e. the District Inspector of School (Secondary Education), Howrah to be present by the next date along with compliance report as a last chance otherwise appropriate order will be passed on the next date.

Let the matter be listed under the heading "**Hearing**" on **02.12.2021**.

Mr. SAYEED AHMED BABA
MEMBER (A)

Mrs. URMITA DATTA (SEN)
MEMBER (J)

H.S