

ORDER SHEET  
**WEST BENGAL ADMINISTRATIVE TRIBUNAL**  
Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present : HON'BLE JUSTICE SOUMITRA PAL, HON'BLE CHAIRMAN.

Case No. – OA 201 of 2022.  
SUJIT KUMAR DUTTA –VS-THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order : For the Applicant : Mr. P. Bajpayee,  
Mrs. S. Agarwal,  
Advocates.

3  
14.7.2022

For the State Respondents : Mr. S.N. Ray,  
Advocate.

The matter is taken up by the single Bench pursuant to the order contained in the Notification No. 118-WBAT/1E-08/2003 (Pt.-II) dated 11th February, 2022 issued in exercise of the powers conferred under section 6 (5) of the Administrative Tribunals Act, 1985.

As prayed for by Mr. P. Bajpayee, learned advocate for the applicant, leave granted to amend the cause title of the Original application with regard to the respondent no.2.

In this application, Sujit Kumar Dutta, the applicant has prayed for certain reliefs, the relevant portion of which is as under :-

*“a) To issue mandate upon the respondents and each of them in particular the Respondent No. 1 and 2 to release salary and increment to the applicant forthwith for the period from March, 2021 to August, 2021;*

*b) To issue mandate upon the respondents and each of them in particular the Respondent No. 1 and 2 to allow the retirement of the applicant under Voluntary Retirement Scheme, Government of West Bengal as prayed for and to pay all the retiral benefits including pension thereto upon such retirement;....”.*

It appears that the applicant joined as Lower Division Clerk in the ICDS Project, Krishnanagar on 22<sup>nd</sup> July, 2002. Presently the applicant is posted at Pathar Pratima ICDS Project, Ramganga, South 24-Parganas and the said appointment has been made on transfer from the office of the Child

-Vs-

THE STATE OF WEST BENGAL & ORS.

---

Case No. OA 201 of 2022.

Development Project Officer, Panskura-II, ICDS Project in the district of Midnapore, - the respondent no. 5 on and from February, 2021. It has been alleged that the effect of the order of transfer at Pathar Pratima was not implemented by the respondent no. 5, as a result the salary of the applicant was withheld from March, 2021 to August, 2021. Allegation is though several representations were made for payment of the salary from March, 2021 to August, 2021, it has not been paid. It is submitted by Mr. Bajpayee since the Director of ICDS Scheme, Government of West Bengal, - the respondent no. 2, by a letter dated 5<sup>th</sup> January, 2022 to The Child Development Project Officer, Panskura-II, ICDS Project, Kolaghat, - the respondent no. 5, had intimated to issue fresh release order on the day just before the date of joining at Patharpratima ICDS Project and to issue a non drawal certificate in respect of the arrears for the respective period and on the basis of that certificate, the respondent no. 5 will draw the bill for arrear salary, appropriate order may be passed. Submission is as the respondent no. 2 has found that the applicant was not at fault, interest on the withheld amount be directed to be paid.

It has also been stated that though the applicant by letter dated 27<sup>th</sup> October, 2021 had intimated that on 23<sup>rd</sup> September, 2021 he had applied for voluntary retirement, as no steps have been taken allowing the applicant voluntary retirement under the Voluntary Retirement Scheme of the Government of West Bengal, appropriate order may be passed.

Mr. S.N. Ray, learned advocate for the State respondents submits in view of the intimation dated 5<sup>th</sup> January, 2022, the respondents may be directed to issue necessary orders and so far as the prayer for grant of interest and voluntary retirement it is submitted that it may be directed to be considered by the respondent no. 2 in accordance with law.

Heard learned advocates for the parties.

In order to appreciate the issue, it is appropriate to set out the

-Vs-

THE STATE OF WEST BENGAL & ORS.

---

Case No. OA 201 of 2022.

relevant part of the intimation dated 5<sup>th</sup> January, 2022, being annexure A-3 to the application, sent by the Director of ICDS, - the respondent no. 2 to the CDPO, Panskura-II, ICDS Project, Purba Medinipur, - the respondent no. 5 , which is as under :-

*“Subject : Permission for calling off the release order of Sri  
Sujit Kumar Dutta, UDC  
Ref : No. 121/P-II/ICDS Dated 29/11/2021*

*Reference to the subject and memo under reference, permission is hereby accorded to the CDPO, Panskura-II ICDS Project, Purba Medinipur to call off the release order of Sri Sujit Dutta UDC in IFMS.*

*After calling off the previous release order of Sri Sujit Kumar Dutta in IFMS, CDPO Panskura II ICDS Project will issue a fresh release order on the date just before the date of joining in Patharpratima ICDS Project.*

*CDPO, Panskura-II ICDS Project will also issue a non-drawal certificate in respect to the arrear salary of Sri Dutta for the respective period.*

*On the basis of that certificate, CDPO, Patharpratima ICDS Project will draw the arrear salary.....”.*

In view of the intimation, as noted hereinabove, as the applicant pursuant to the said notification had joined the office at Pathar Pratima, however, as it is submitted by Mr. Bajpayee that non drawal certificate has not been issued by the Child Development Project Officer, Panskura-II, ICDS Project, Kolaghat, - the respondent no. 5, the said respondent no. 5 is directed to issue non drawal certificate in respect of the arrears of the applicant for the period from March, 2021 to August, 2021 within four weeks from the date of presentation of a copy of this order downloaded from the website of the Tribunal. After the said certificate is furnished within the time as indicated hereinbefore, and is presented before the Child Development Project Officer, Patharpratima, ICDS Project, Ramganga

**ORDER SHEET**

Form No.

SUJIT KUMAR DUTTA.

---

-Vs-

THE STATE OF WEST BENGAL & ORS.

---

Case No. OA 201 of 2022.

in the district of South 24-Parganass, - the respondent no. 4, the said respondent no. 4 shall issue necessary orders for drawal of the arrear salary from March, 2021 to August, 2021 within a fortnight.

So far as the prayer for grant of interest is concerned, as it is evident from the intimation dated 5<sup>th</sup> January, 2022 that the State respondents have acknowledged their mistake and have issued the said intimation, the applicant is entitled to interest. Hence, interest at the rate of five per cent per annum be given to the applicant, to be calculated from the date of non payment of the salary for the respective months, within eight weeks from the date of presentation of a copy of this order.

I find from the representation dated 7<sup>th</sup> October, 2021, being annexure A 1 to the application, that the applicant had applied for voluntary retirement on 23<sup>rd</sup> September, 2021 before the Director, Directorate of ICDS Scheme, Government of West Bengal, - the respondent no. 2 which is pending. Considering the said fact, the application is disposed of by directing the said respondent no. 2 to dispose of the matter regarding voluntary retirement of the applicant by passing a reasoned order to be communicated to the applicant within fifteen weeks from the date of presentation of a copy of this order after giving an opportunity of hearing, after verifying the records and in accordance with the prevalent scheme for voluntary retirement.

(SOUMITRA PAL)  
CHAIRMAN.

Sk.

**ORDER SHEET**

Form No.

SUJIT KUMAR DUTTA.

-Vs-

THE STATE OF WEST BENGAL & ORS.

Case No. OA 201 of 2022.

WEST BENGAL ADMINISTRATIVE TRIBUNAL