

**ORDER SHEET**

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Bikash Bhavan, Salt Lake, Kolkata – 700 091.**

**Present-**

**Mr. Sayeed Ahmed Baba, Officiating Chairperson and Hon'ble Member (A).**

Case No. – OA 220 of 2022.

SUBRATA SAMADDAR - VERSUS-THE STATE OF WEST BENGAL & ORS.

Serial No. and  
Date of order

07  
18.12.2023

For the Applicant : Mr. D.K. Adhikari,  
Learned Advocate.  
For the State respondents : Mr. G.P. Banerjee,  
Learned Advocate.

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 23<sup>rd</sup> November, 2022 issued in exercise of the powers conferred under Section 5(6) of the Administrative Tribunals Act, 1985.

On consent of the learned counsel for the contesting parties, the case is taken up for consideration sitting singly.

Liberty given to add the Principal Accountant General (A & E), West Bengal as respondent. Let a copy of this application be served upon the added respondent No. 9, the Principal Accountant General (A & E), West Bengal along with a copy of this order by the next date.

The prayer in this application is for a direction upon the authority to issue pension and other retiral benefits.

It appears that the applicant, working as a L.D.C., had submitted his resignation in the year 1995. A Memo No. 144/R.O.. dated 10.08.2017 appears to be an order for deployment of ministerial staff to the newly-created Sundarban Police District in which the name of the applicant appears at serial No. 26. This column has the following remark :

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*“Submitted resignation in the year 1995 but resignation has not yet been accepted.”*

From the above, it is implied that neither his resignation letter was accepted since 1995 nor has he joined any place of posting since then.

Mr. D.K. Adhikari, learned counsel, however, draws my attention to page 22 of this application which appears to be a letter dated 27.01.2021, addressed to the Superintendent of Police, Sundarban Police District requesting for acceptance of his joining letter. The applicant attained his age of superannuation just after four days on 31.01.2021. On 02.02.2021, an order was issued by the Superintendent of Police, Sundarban Police District to the effect that the applicant Subrata Samaddar, L.D.C. is being discharged from service from 31.01.2021 on attaining the age of 60 years on superannuation. This order also does not show where was the applicant posted.

From the submissions of the learned counsels and documents in record, it is the finding of this Tribunal that after submitting a resignation letter in the year 1995, the applicant disappeared for 26 years and resurfaced just four days before his superannuation on 31.01.2021 and submitted a letter before the Superintendent of Police, requesting him for acceptance of his joining letter.

On the day of his superannuation, the respondent – Superintendent of Police issued his superannuation order discharging him from service. Mr. Banerjee submits that during this long period of absence, the respondents issued him several notices, one such notice presented before this Tribunal is memo No. 5415 dated 22.7.2013. Similar such notices followed subsequently.

Submission is that neither such notices were replied nor the applicant ever attended the hearing. A notice dated 3.7.2019 being memo 231 also orders to the applicant to attend the hearing, failing which exparte decision will be taken. This letter was issued by the IGP (Law and Order).

It has become clear that the applicant submitted his resignation letter and decided not to resume his duties, once he was transferred from, Alipore, South

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24-Parganas to Sundarban Police District by an order dated 04.08.2017.

From the above observation, the Tribunal has come to this finding that, aggrieved by a transfer to Sundarbans, the applicant refused to join . After waiting of 26 long years, just four days prior to his superannuation, he now submits a letter of joining in Sundarban hoping that if this is accepted, he will receive all his retirement benefits.

The Tribunal has understood the real intention of the applicant and not inclined to pass any direction upon the respondents. This application has no merit and is disposed of without passing any order.

(SAYEED AHMED BABA)  
Officiating Chairperson and Member (A).

Skg.