

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 259 of 2023

Rita Majumder. - Versus - The State of West Bengal & Others.

Serial No. and Date of order	For the Applicant	: Mr. S. P. Pahari, Advocate.
<u>02</u> 02.08.2023.	For the State Respondents	: Mr. S. K. Mondal, Advocate.
	For the Principal Accountant General (A&E), West Bengal	: Mr. B. Mitra, Departmental Representative.

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.

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

Affidavit of service filed be kept on record.

Liberty given to the applicant side to correct the cause-title for respondent no. 1. Liberty also given to add the Director of Health Services, Department of Health and Family Welfare, Government of West Bengal, as respondent no. 6.

The prayer in this application is for a direction to the respondent authorities to disburse her pension and other retiral benefits. It appears that a voluntary retirement application was submitted before the Chief Medical Officer of Health (C.M.O.H), Cooch Behar for giving effect from 21.05.2015. Since, this application for voluntary retirement was not considered, the applicant, due to her family problems could not resume her duties from 21.05.2015. After attaining the age of 60, the applicant superannuated on 31.12.2020. In response to her several representations, the Directorate of Health Services had requested the Block Medical Officer of Health, Gosanimari B.P.H.C., Cooch Behar on 22.03.2022 to clarify certain points.

ORDER SHEET

Form No.

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The submission of Mr. Pahari, learned counsel appearing on behalf of the applicant is that although the applicant has been retired for the last five years, no action has been taken by the respondents to release her pension and other retiral benefits.

Mr. S. K. Mondal, learned counsel appearing on behalf of the State respondents submits that her pension could not be sanctioned due to her absence from duty for five years. Mr. Pahari disputes the length of absence, not five years but only 92 days.

It is the observation of this Tribunal that there is no dispute as regards to her qualifying service and entitlement for full pension. But, due to her absence from duty for a certain period preceding her superannuation, this absent period was not regularised. As a result her pension paper has not been processed by the respondent authorities.

Mr. Mondal requests for an accommodation of three months to complete the process relating to regularisation of her leave and thereafter, submit the pension proposals before the Principal Accountant General (A&E), West Bengal.

Let the respondent authority process the pension papers after regularisation of leave within two (02) months from the date of communication of this order.

Let the matter appear under the heading "For Orders" on 12.10.2023.

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

CSM /SM.