

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman

Case No. – OA 285 OF 2022

AJIT KUMAR GHOSH - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	:	Mr. Asok Kumar Das Sinha Advocate
<u>03</u> 28.07.2022	For the State respondents	:	Mr. Manujendra Narayan Roy Advocate
	For the Principal Accountant General (A&E) West Bengal	:	Mr. Biswanath Mitra (Departmental Representative)

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.

Mr.A.K.Das Sinha, learned advocate for the applicant has filed vakalatnama containing no objection of the erstwhile advocate on record. Let it be kept on record.

In this application, Mr.Ajit Kumar Ghosh, the applicant has prayed for certain reliefs, the relevant portion of which is as under:

“ a) direct the respondent to comply with the Order dated 22.11.2019 passed by the West Bengal Administrative Tribunal in O.A. No.562 of 2019 forthwith;

b) direct the respondent authorities to release all retrieval benefits in favour of the applicant as well as pensionary benefits forthwith to overcome the financial crisis in the family of the applicant since the family is facing acute financial crisis at this moment;

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c) command upon the respondent authorities to take steps for releasing the pension and retrial benefits in favour of the applicant immediately so that the family of the applicant can survive.

d) direct the concerned respondent authorities to release pension and retrial benefits to the applicant wherein the applicant is legally entitled to get such benefits without any further delay;

e) and / or pass such further order / orders as Your Honour deem fit and proper.”

Mr. Das Sinha, submits that after order was passed on 22nd November, 2019 in OA-562 of 2019, Ajit Ghosh Vs. The State of West Bengal & Others, as no follow up steps were taken by the applicant, this application has been filed. Submission is the respondents may be directed to comply with the directions contained in the order dated 22nd November, 2019.

Mr.M.N.Roy, learned advocate appearing on behalf of the State respondents submits since it is evident from the intimation dated 16th November, 2021 issued by the Commandant, Water Wing Civil Defence, West Bengal, the respondent no. 3 that the applicant had taken house building loan and certain amount of the said loan is still due along with interest, in the event, the applicant repays the said amount along with interest as on date, pensionary benefits would be released on compliance of formalities.

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Mr.B.Mitra, the Departmental representative for the Principal Accountant General (A&E) West Bengal, Kolkata, the respondent no. 2 adopts the submission of Mr.Roy.

In reply, it is submitted by Mr.Das Sinha that the applicant is ready to pay the balance amount of loan along with interest as on date and in the event such loan and the interest are repaid, direction may be issued upon the respondents to release pension and other superannuation benefits.

Having heard the learned advocates for the parties and the Departmental representative for the Principal Accountant General (A&E) West Bengal and considering the facts and circumstances of the case, the application is disposed of by directing the Commandant, Water Wing Civil Defence, West Bengal, the respondent no. 3 to grant pension and other superannuation benefits to the applicant within fifteen weeks from the date of repayment of the loan by the applicant along with interest as on date on compliance of necessary formalities by the applicant. In the event, the applicant fails to repay the loan along with interest within four weeks from the date of obtaining of a copy of this order downloaded from the website of the Tribunal, the respondent no. 3 is at liberty to deduct the same amount from gratuity payable to the applicant and thereafter shall release the pension and other superannuation benefits to the applicant. The application is disposed of.

BLR

(SOUMITRA PAL)
CHAIRMAN