

**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 3 of 2022**

**Sri Kamalendu Banerjee. - Versus - The State of West Bengal & Others.**

Serial No. and Date of order	For the Applicant	:	Mr. D. Paul, Advocate.
<u>10</u> 19.12.2022.	For the State Respondents	:	Mr. G. P. Banerjee, Mr. S. Ghosh, Advocates.
	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 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 counsels for the contesting parties, the case is taken up for consideration sitting singly.

Mr. D. Paul, learned advocate for the applicant refers to page-24 which is a correspondence from the office of Principal Accountant General (A&E), West Bengal to the respondent – the Divisional Fire Officer, G-Division, West Bengal Fire and Emergency Services, Durgapur in which three observations on the pension proposal has been mentioned.

Mr. Paul in particular refers to comments no. 2 which is as under :-

*“His promotion from the post of HCCA to HC on 01/03/2012 is a lateral movement from one post to another with same pay. As such, no fixational benefit to promotion to the post of HC is admissible.”*

Submission of Mr. Paul is that similar lateral movement from HCCA to HC was made for some other employees but their pension was not disturbed. The prayer in his application is for setting aside the above correspondence of Principal Accountant General (A&E), West Bengal

**ORDER SHEET**

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with a direction to release him a pension amounting Rs. 11,315/-.

Mr. B. Mitra, the Departmental Representative appearing on behalf of the Principal Accountant General (A&E), West Bengal submits that the responsibility of their office is to process pension proposals and if any error and anomalies are detected, the same is communicated to the concerned authority for rectification. He submits that if the applicant is not satisfied with such action, the order of administrative department should be challenged.

Since the applicant is not in possession of such administrative order issued by the respondents regarding his pension, Mr. Paul seeks accommodation to furnish the same to the Tribunal.

Mr. G. P. Banerjee and Mr. S. Ghosh, learned advocates appearing on behalf of the State questions the very maintainability of this application. Although, there is a delay in approaching the Tribunal by seven years which was condoned by the Tribunal, the learned advocates point out that during the in last seven years the applicant did not ventilate his grievance to the respondents.

Mr. Paul also seeks accommodation to submit copies of representations before the respondents by the applicant ventilating his grievances against the administrative order questioning the amount of pension so sanctioned.

Let the matter be fixed for "For Orders" on 20.01.2023.

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

S.M.