

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson & Member (A)

Case No. – OA 330 of 2021

Satish Chandra Mahato -- VERSUS – The State of West Bengal & Ors.

Serial No. and Date of order	For the Applicant	: Mrs. S. Agarwal, Ld. Advocate.
<u>11</u> 03.04.2024	For the State respondent Nos. 1, 4 & 5	: Ms. R. Sarkar, Mr. S. Debray, Mr. R. Bag, Ld. Depttl. Reps.
	For the Pr.AG (A&E), WB	: Mr. B. Mitra, Ld. Depttl. Rep.

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.

The applicant has prayed for a direction to the respondent authorities to release his arrear pension, gratuity and all other retiral benefits. From the submissions and the records, it is understood that due to pendency of a criminal case in which the applicant was involved, the authorities withheld his pension and other retiral benefits. However, from the submissions of the learned counsels, it has been made clear that the GPF and GISS have already been disbursed. A proposal for interim pension has already been moved before the Principal Accountant General (A&E), West Bengal. After examining the proposal, Mr. Mitra submits that the office of the Principal Accountant General (A&E), West Bengal has already issued the admissibility report for sanction of interim allowance. As regards leave encashment and gratuity, Ms. Sarkar draws attention to Rule 10(2) of West Bengal Services (Death-cum-Retirement Benefits) Rules, 1971. The relevant lines of the mentioned Rule is as under :

“Where any departmental or judicial proceeding is instituted no gratuity of death-cum-retirement gratuity shall be paid to him until the conclusion of such proceeding and the issue of final orders thereon.”

It is submitted that due to this Rule, the respondent authorities are not

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able to sanction and release his gratuity. Further, leave encashment will be paid, if any due after conclusion of the pending criminal case.

Having heard the submissions, it is clear to the Tribunal that the applicant has already received the GPF and GISS and interim allowance. As for release of gratuity, it has been made clear that such a benefit will be released only after completion of the criminal case. Since most of the benefits have already been given, the prayer in this application has become infructuous.

Therefore, this application is **disposed of** without passing any orders.

SAYEED AHMED BABA
Officiating Chairperson & Member (A)

CSM/SS