

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Mrs. Urmita Datta (Sen), Member(J).

Case No. –OA-426 of 2019

Kush Kr. Paul - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	: Mr. S. Mondal, Learned Advocate.
<u>10</u> 29.01.2021	For the State Respondent	: Mr. R.K. Mondal, Learned Advocate.
	For the A.G.W.B.	Mr. B. Mitra.

The matter is taken up by the Single Bench pursuant to the Notification No. 949-WBAT/2J-15/2016 dated 24.12.2020 issued in exercise of the power conferred under Sub-Section (6) of Section 5 of the Administrative Tribunal Act, 1985.

The counsel for the applicant today has submitted that though on 08.07.2019, the respondents were directed to file reply by four weeks and in the mean time they were also directed to take appropriate steps for making payment of provisional pension. However, till date they have not paid provisional pension to the applicant. In the meantime, the applicant filed one CCP application being No. CCP-93 of 2019 for non payment of provisional pension. Affidavit filed by the Contemnor Mr. Ajay Kr. Chakraborty, D.H.S., W.B. dated 03.02.2020 the CCPA was dropped on 04.02.2020 as in the said affidavit, they have stated that they have already taken steps for payment of provisional pension and on the basis; the CCPA was dropped on 04.02.2020. However, today the counsel for the contemnor has placed one communication dated 18.02.2020 of A.G.W.B. and has prayed for some time for making payment of provisional pension. Therefore, it is clear that they have not complied with the order till date.

I have gone through the order dated 08.07.2019 as well as order passed in the CCPA dated 04.02.2020 and documents submitted by the Counsel for the contemnor. From the perusal of the communication dated 27.01.2021 issued by the Additional Director

ORDER SHEET

Form No.

Kush Kumar Paul

Case No. **OA-426 of 2019**

Vs.

State of West Bengal & Ors.

10
29.01.2021

(Personnel) & E.O. Special Secretary to the Govt. Of West Bengal written to Mr. Sankha Ghosh, Learned State Advocate, it is observed that till date our order has not been complied with whereas contrary statement was made at the time of hearing of the CCPA. Therefore, one last chance is granted to the respondents to comply with the order by way of making payment of provisional pension along with arrear to the applicant as per our order dated 08.07.2019, which was passed almost two years ago, otherwise appropriate order would be passed on the next date. Let the letter dated 27.01.2021 and the letter of A.G.W.B. dated 18.02.2020 be kept with the record. Let the matter be listed for further order on **10.02.2021**.

URMITA DATTA (SEN)
MEMBER (J)

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