

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 Kumar Paul - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	: Mr. S. Mondal, Mr. G.K. Sahw, Advocates
<u>11</u> 10.02.2021	For the State Respondents	: Mr. G. Ghosh, Advocate
	For Pr. A.G. (A & E), West Bengal	: Mr. B. Mitra, (Departmental Representative)

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 powers conferred under sub section (6) of Section 5 of the Administrative Tribunal's Act, 1985.

It is noted that earlier occasion on 21.01.2021, representative for the State respondent, which was observed that the contempt No. CCP 191 of 2019 was dropped on the basis of the documents filed by the contemnor on 04.02.2020 and 21.01.2021. The counsel for the applicant has submitted that till date he did not receive the provisional pension. However, one communication letter dated 27.01.2021, issued by the Additional Director, Personnel & Ex-officio Special Secretary, Govt. of West Bengal had written to the counsel Mr. S. Ghosh wherein they have stated the original service with all related documents have been submitted before the office of the A.G., West Bengal for taking action. However, it is found by the A. G. that the sanctioned letter has been sent to the A.G. Therefore, they could not proceed with the payment of provisional pension.

I have heard the parties and perused the records. It is noted that we had passed order for payment of provisional pension in our order

ORDER SHEET

Form No.

Kush Kumar Paul

Vs.

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

THE STATE OF WEST BENGAL & ORS.

dated 08.07.2019 for making payment of provisional pension. However, after laps of two years, the State respondents even are not complied with the provisions of the making payment of provisional pension knowing very well that sanctioned order was required for making payment of provisional pension. It is clear violation of our order dated 08.07.2019. It seems that the State respondents in one way trying to mislead the court by submitting that they are sending relevant documents to the A.G. for making payment of the provisional pension on the other sides the vital document of sanctioning order for provisional pension, which has to be sent mandatorily by the department, has not been done. However, on the basis of their earlier submission, contempt petition was dropped.

Even on 21.01.2021, last chance was granted to them to comply with the order. Even then today said order dated 08.07.2019 has not been complied with. Therefore, this court observed serious displeasure on the situation and the dealings of the department to comply with the order of this Tribunal and making payment thereof.

Therefore, the respondent no. 2(d), Superintendent, Dr. J.R. Dhar S.D. Hospital, Bangaon, North 24 Parganas is directed to take all necessary steps to make payment of provisional pension along with arrears to the applicant immediately, otherwise, the Superintendent, Dr. J.R. Dhar S.D. Hospital, Bangaon is directed to be present before the court on the next date. Let the matter be listed on **19.02.2021**.

Mrs. URMITA DATTA (SEN)
MEMBER (J)

A.K.P.

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