

**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, Advocate
<u>12</u> 19.02.2021	For the State Respondents	: Mr. S. 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 though repeatedly chance was granted to the respondents in the O.A. as well as in the contempt petition to make payment of provisional pension to the applicant, even on 10.02.2021, it was observed that the concerned department did not send the sanction order of provisional pension, which is required under rules, to the A.G. though the order of provisional pension was made on 10.02.2021.

Vide order dated 10.02.2021, I had directed the following:

**“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),**

**ORDER SHEET**

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**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."**

Even today neither provisional pension has been paid nor the Superintendent of Dr. J.R. Dhar S.D. Hospital, Bangaon is present or has asked for any exemption from personal hearing by way of filing an application. Today the counsel for the contemnor has placed one order dated 18.02.2021 and has submitted that they have sent the sanction order to the Pr. A.G., (A & E), West Bengal, which has been received by A.G. office on 19.02.2021 i.e. today. The departmental representative of the A.G. has submitted that since they have received the said order today only, therefore, they need some time to process the same and asked for some time.

In view of the above, the contemnors have been granted further time to comply with the order and file compliance report by 26.02.2021 as the order has not been complied with in any way by the Superintendent, Dr. J.R. Dhar S.D. Hospital, Bangaon, he is directed to be present without fail, in the event, the order would not be complied with and compliance report to be filed by the next date. Let the matter be listed on **26.02.2021**.

A.K.P.

Mrs. URMITA DATTA (SEN)  
MEMBER (J)

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