

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-433 of 2020

Shibendra Kumar Sarkar -- VERSUS – The State of West Bengal & Ors.

Serial No. and Date of order	For the Applicant	: Dr. Siddhartha Goswami, Ld. Advocate.
	For the State Respondents	: Mr. G. P. Banerjee, Ld. Advocate.
<u>15</u> 22.05.2024	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.

The primary prayer in this application is for a direction to the respondent authorities to sanction and release his retiral benefits. The applicant had superannuated on 30.06.2017 after attaining the age of 60 from the post of Warder under Department of Correctional Services. My attention has been drawn to memo no. 466 dated 30.06.2017 by which the Superintendent of Berhampore Central Correctional Home passed an order allowing the applicant to superannuate on 30.06.2017. The Superintendent also notes in this order that his date of birth as per Service Book and records is 30.06.1957. However, it is strange to find that in the same order quoting the Intelligence Branch in its memo no 463 dated 04.02.2015, the applicant was found “unsuitable” for employment to the post of Warder. Strange are the ways the Government officials function. Here it is a peculiar case of a Government employee allowed to be retired after attaining the age of 60, but he has been found unsuitable to the post he was holding. From the records, it is understood that he had joined the Government service as Warder on 06.02.1978. Neither any disciplinary proceedings was drawn against the applicant nor any cases of vigilance during his entire service life. But the wisdom of respondent authorities found the employee unsuitable on the day he was to retire attaining the age of 60.

Dr. Siddhartha Goswami, learned counsel for the applicant submits that by dint of this single word used by the respondents, “unsuitable” the respondent authorities has arbitrarily decided not to sanction and release his retiral benefits including pension. Submission is that though he retired on

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30.06.2017, despite passing of 7 years and without any fault or any disciplinary proceedings against him, he has not been granted his pension. Dr. Goswami also points out that in the year 2015, the respondent had asked the applicant to produce a document as proof of his date of birth. Submission is that since the applicant did not possess any standard birth certificate issued by the competent authority, he had submitted copies of other documents like Aadhaar Card, EPIC and Class-VIII School Leaving Certificate having his date of birth mentioned as 30.06.1957. This application has a copy of the Service Book in which some entries are shown dated 06.02.1978, 21.08.1978 giving details of his transfers, joining, leave etc. However, against the entry dated 06.02.1978, most of the words are not visible due to a black ink spot. The counsels informed that this particular entry in the service related to his date of appointment and date of birth.

Let the matter appear under the heading “**Hearing**” on **14.08.2024**.

SAYEED AHMED BABA
Officiating Chairperson & Member (A)

CSM/SS