

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble SAYEED AHMED BABA, Member (A)

Case No. – OA-457 of 2016

Meer. Mohammad Mohasin	VERSUS	The State of West Bengal & Ors..
Serial No. and Date of order	For the Applicant	: Mr. W. Ali Mondal, Learned Advocate.
<u>27</u> 19.09.2022	For the State Respondents	: Mr. D. Kole, Learned Advocate.

In this application prayer is for release of post retiral benefits to the petitioner with 18 % interest. It appears that the employee retired on 31.03.2015 and the pension was released in July, 2016. Submission of the learned advocate for the applicant is that the respondents delayed release of his pension for more than one year and three months without any fault of the applicant, therefore, a direction may be issued for sanction and release of 18 % interest against the pension amount. Similarly, the applicant wants 18 % interest against leave encashment and GIS which were paid after a gap of five years.

Mr. Kole, refers to the relevant para of the reply by the respondent No. 1 in which the reason for delay has been explained. It appears that according to the reply, the employee was asked to appear and open his lock room to make a list of documents kept there and hand over the same to the Joint Secretary. Due to delay in opening the locker, "No Liability Certificate" could not be issued on time for his pension. The reply makes a submission that the applicant was solely responsible for not cooperating with the office for issuing the "No Liability Certificate" for his pension.

However, in the rejoinder by the applicant, the above allegation is refuted as baseless allegation.

As for the claim for interest, Mr. Kole submits that the question of paying interest does not arise as because the applicant himself was responsible for the delay caused.

After considering the facts and circumstances in the matter and hearing the submissions put forth by the learned counsels, the case is disposed of by directing the respondent No. 1, Secretary, Department of School Education to consider the applicant's prayer for sanction and release of interest against delayed payment of pension and other retiral benefits within a period of 16 (sixteen) weeks as per law and communicate his decision within a period of two weeks thereafter to the applicant. The Respondent No. 1 shall also consider and take suitable action against the erring officers responsible for delayed payment of pension and other retiral benefits as reflected in the enquiry report dated 02.03.2020.

Accordingly, OA is disposed of.

SAYEED AHMED BABA
MEMBER (A)