

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman

The Hon'ble Sayeed Ahmed Baba, Administrative Member

Case No. – OA 471 OF 2020

IAR MOHAMMAD MIDDHA - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and

Date of order

06

04.04.2022

For the Applicant : Mr. Soumendra Narayan Ray,
Advocate

For the State respondents : Mr. Goutam Pathak Banerjee,
Advocate

For the Principal Accountant General (A&E), West Bengal : Mr. Biswanath Mitra,
Departmental Representative

In this application Iar Mohammad Midda, - the applicant, who had superannuated on 31st July, 2011 from the post of Superintending Engineer, - has prayed for certain reliefs, the relevant portion of which is as under:-

“a) *An order do issue directing the respondent authorities to forthwith make payment of interest on the admissible amounts @ 18% owing p.a. to be calculated from 01.08.2011 till the date of their actual disbursement owing to a delay in payment of the applicant's retiral benefits for about eight and half years.*”

Heard Mr. Soumendra Narayan Ray, learned advocate for the applicant, Mr. Gautam Pathak Banerjee, learned advocate for the State respondents and Mr. Biswanath Mitra, departmental representative for the Principal Accountant General (A&E), West Bengal.

We find earlier the applicant had moved an application, being O.A. 156 of 2017, challenging the disciplinary proceedings. Therein the applicant, among other reliefs, had significantly prayed for the following relief:-

“(b) An order do issue directing the respondent authorities to disburse and pay the arrear pension on and from 01-08-2011 till date, regular pension, gratuity, C.V.P, and other retiral benefits @ 18% per annum till the actual date of realization of the same.”

The said application was disposed of by passing an order, the relevant portion of which is as under:-

“Heard the parties and perused the records. It is noted that the applicant has not challenged the disciplinary proceeding. Therefore the respondent no.1 is directed to take appropriate step to disburse and pay the arrear admissible pension as per the final order dated 22-11-2018 (after 10% cut in pension for 5 (five) years) by adjusting provisional pension paid so far and also other retrial benefits as admissible in accordance with the law and Rules within a period of 8(eight) weeks from the date of receipt of this order. Accordingly, the OA is disposed of with no order as to cost.”

There is no dispute that the Division Bench of the Tribunal, while passing the order, had taken note of the order dated 22nd November, 2018, passed in the disciplinary proceedings wherein a direction was issued for pension cut of 10% (ten percent) for five years upon the applicant in terms of Sub-Rule (1) of Rule 10 proviso b(11) of the West Bengal Services (DCRB) Rules, 1971.

It appears the applicant, in that application, did not press for prayer (b), including grant of 18% interest on the arrear amount, which is now being raised.

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We are of the view that since the issue regarding grant of interest was raised by the applicant in O.A. 156 of 2017 and was not allowed, the same cannot be raised in this application. Therefore, no order is passed in this application. The application is disposed of.

(SAYEED AHMED BABA)
MEMBER(A)

(SOUMITRA PAL)
CHAIRMAN

WEST BENGAL ADMINISTRATIVE TRIBUNAL