

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 472 of 2022

Bikash Biswas - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	: Mrs. S. Agarwal, Advocate.
<u>04</u> 20.12.2022	For State Respondents	: Mr. S. K. Mondal, Advocate.
	For the Pr. A.G.(A&E), W.B.	: Mr. B. Mitra, Departmental Representative.

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.

On consent of the learned counsels for the contesting parties, the case is taken up for consideration sitting singly.

The primary prayer in this application is for a direction to the respondents to release all the retiral dues including Pension, Provident Fund, Gratuity and Group Insurance.

Mrs. S. Agarwal, learned counsel appearing on behalf of the applicant in her submission refers to page 31 of the Tribunal's order dated 03.07.2019 in MA 109 of 2019. The Tribunal in his order had given liberty to the applicant to move afresh for release of retiral dues, thus the prayer in this OA.

Mr. S.K. Mondal, learned counsel appearing on behalf of the State submits that the employee who joined the post after an order by the Hon'ble High Court, superannuated after 3 and ½ years of service, thus the applicant is not eligible for pension and other retiral benefits. It appears that though the applicant has moved the Tribunal, but no representation has been presented before the respondents before his employer asking for the retiral benefits.

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Mrs. Agarwal prays for a direction to the respondents to consider and dispose of the representation to be filed by the applicant in due time.

Mr. Mondal submits that if such a representation is filed, the same will be considered and disposed of as per Rules. Accordingly, a direction is issued to the applicant to submit a fresh representation before respondent No. 2, the Director, Director of employment within a period of two weeks from the date of this order. The respondent No. 2, the Director, is directed to consider and dispose of the same, if submitted within a period of twelve weeks as per Rules.

Accordingly, the matter is disposed of.

SAYEED AHMED BABA
Officiating Chairperson & MEMBER (A)

H.S