

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

**THE HON'BLE SAYEED AHMED BABA, OFFICIATING CHAIRPERSON AND ADMINISTRATIVE MEMBER,
Case No. – OA 484 OF 2019**

MAHADEB CHAKRABORTY

- VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	:	Mrs. Sunita Agarwal Advocate
<u>20</u> 05.04.2023	For the State Respondents	:	Mr.Soumendra Narayan Ray Advocate

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.

Mr.S.N.Ray, learned counsel appearing on behalf of the respondent submits a copy of the order dated 26.09.2022 issued by the Additional Chief Secretary, Finance Department. This order appears to be the final order imposed on the applicant with a penalty of 10% of pension cut for a period of two years under Rule 10(1) of West Bengal Services (DCRB) Rule, 1971. Submission of Mr.S.N.Ray, is that since the final order has been passed, the prayer in this application which is for setting aside the impugned order of the respondent dated 01.04.2019 is infructuous, therefore, the application may be disposed of.

On 29.12.2022, the applicant had furnished a representation before the Additional Chief Secretary, Finance Department, ventilating his grievances and requesting for revision of his pay. The relevant para of his representation is as under:

“8. I shall therefore, without prejudice to my right as may be available under the Law, request you to revise my pay, gratuity and pension under the

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ROPA, 2019 and to pay those dues after withholding the amount equivalent to 10% of pension for two years since decided by you, as expeditiously as possible keeping in mind that I am suffering for five years after my retirement from service.”

Submission of Mrs.S.Agarwal, learned counsel for the applicant is that the respondent may be directed to consider his representation.

After hearing both the submissions and all documents filed today by the State respondent, it is evident that after passing of the final order of punishment by the respondent on 26.09.2022, the prayer in this application has become infructuous, thus, this application is disposed of. However, since the applicant, after the penalty imposed upon him, has submitted a representation before the respondent, for certain remedies, the relevant portion has been quoted above, thus, the application is disposed of with a direction to the respondent No. 1, the Additional Chief Secretary, Finance Department to consider the representation of the applicant addressed to him for revision of his pay under ROPA 2019 and dispose of the same as per admissibility and rules within a period of twelve weeks from the date of communication of this order.

BLR

(SAYEED AHMED BABA)
OFFICIATING CHAIRPERSON AND MEMBER (A)