

ORDER SHEET

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman

Case No. –OA 486 of 2021

Ajoy Kumar Mahato - **VERSUS** - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order <u>04</u> 15.02.2022	For the Applicant	: Mr. M. Karim, Mr. A. Chakraborti, Advocates.
	For the State Respondent	: Mr. M.N. Roy, Advocate.
	For the Pr. AG (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. 118-WBAT/1E-08/2003 (Pt.-II) dated 11<sup>th</sup> February, 2022 issued in exercise of the powers conferred under section 6 (5) of the Administrative Tribunals Act, 1985.

As prayed for by Mr. M. Karim, learned advocate for the applicant, leave granted to add Treasury Officer, Paschim Medinipur as a party respondent by amending the cause title of the original application.

In this application, Ajoy Kumar Mahato, the applicant who had superannuated as Krishi Shramik and Jute Seed Multiplication Farm, Goaltore, Paschim Medinipur on 31<sup>st</sup> October, 2020, has prayed for a direction upon the respondents for release of monthly pension, arrears of pension and final payment of all pensionary benefits and other dues including gratuity, leave salary and group insurance along with interest. Challenge has also been made to the memo. no. 166 dated 6<sup>th</sup> April, 2021 issued by the Assistant Director of Agriculture (Farm Superintendents), Jute Seed Multiplication Farm, Goaltore, Paschim Medinipur.

It is submitted by Mr. Karim, since it is evident from the letter dated 6<sup>th</sup> January, 2022 issued by the Senior Accounts Officer, Indian Audit and Accounts Department, Accountant General (A&E), West Bengal that PPO has already been issued, the letter dated 9<sup>th</sup> February, 2022 issued by the respondent no. 2(v) to the applicant with a request to appear before the Treasury Officer, Medinipur for monthly pension is uncalled for. Referring to Rule 8 of the West

Form No.

Vs.

Case No. **OA 486 of 2021**

THE STATE OF WEST BENGAL & ORS.

Bengal Services (Death-cum-Retirement Benefits) Rules, 1971, it is submitted that gratuity cannot be withheld except in cases of conviction and misconduct. Since loan taken and interest accrued thereon do not form the basis of withholding gratuity under Rule 8, direction may be issued upon the respondents to release gratuity.

Mr. M.N. Roy, learned advocate appearing on behalf of the State respondents submits that the letter dated 9<sup>th</sup> February, 2022 was a request to the applicant to appear before the Treasury Officer, Medinipur with the PPO so that pension and arrear pension can be disbursed at the earliest. However, as evidently the applicant refused to accept the letter, pension could not be released. If the applicant appears before the Treasury Officer, Medinipur along with a copy of the PPO, pension pass book, PAN Card, Aadhaar Card, pension and arrear pension will be released at the earliest. Referring to Rule 8 of the West Bengal Services (Death-cum-Retirement Benefits) Rules, 1971, it is submitted that gratuity can be withheld in case loan amount and interest are not repaid. Let copies of the documents furnished by Mr. Roy be kept on record.

Mr. B. Mitra, the departmental representative for the Principal Accountant General (A&E), West Bengal, Kolkata, the respondent no. 2 (iii) adopts the submission of Mr. Roy.

Having heard learned advocates for the parties and considering the fact that the pension and arrear pension of the applicant have been withheld due to non-production of the documents, as evident from the memo. dated 9<sup>th</sup> February, 2022, considering such fact, the applicant is at liberty to appear before the Treasury Officer, Medinipur, the added respondent, along with the documents as mentioned in the letter dated 9<sup>th</sup> February, 2022. If formalities for release of pension and arrear pension are complied with by the applicant, the respondents shall release pension and arrear pension within eight weeks thereafter.

The matter is admitted. Let reply be filed by 29<sup>th</sup> April, 2022.

**ORDER SHEET**

Ajoy Kumar Mahato

Form No.

Case No. **OA 486 of 2021**

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**Vs.**

**THE STATE OF WEST BENGAL & ORS.**

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Rejoinder, if any, by 18<sup>th</sup> May, 2022.

The matter to appear under the heading “Reply, rejoinder and objection” on 20<sup>th</sup> June, 2022.

**(SOUMITRA PAL)**  
**CHAIRMAN**

CSM/HS/SS