

**ORDER SHEET**

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Bikash Bhavan, Salt Lake, Kolkata – 700 091.**

**Present-**

**The Hon'ble Mrs. Urmita Datta(Sen), Member(J).**

**The Hon'ble Sayeed Ahmed Baba, Member(A)**

**Case No. – OA 488 of 2019**

**NIHARKANTI BHATTACHARYA - VERSUS - THE STATE OF WEST BENGAL & ORS.**

Serial No. and Date of order ,  <u>14</u> 07.12.2021	For the Applicant	: Mr. G.P. Banerjee & Mrs. S. Mitra Advocates
	For the State respondents	: Mr. D. Kole Advocate
	For Pr. AG(A&E), WB	: Mr. B. Mitra Departmental Representative

The instant OA has been filed praying for following relief:-

“

- a. Admit the application.
- b. An order commanding the respondents to cancel and/or rescind and/or withdraw the impugned memorandum no. 1362-SE(Admn.)-SC/Apt./4A/24P/2019 dated March 11, 2019 issued by the concerned respondent authority herein and not to give any effect and further effect to the same forthwith;
- c. An order commanding the concerned respondent authorities to quash and/or set aside the impugned memorandum no. 1362-SE(Admn.)-SC/Apt./4A/24P/2019 dated March 11, 2019 issued by the concerned respondent authority herein and not to give any effect and/or further effect to the same forthwith;
- d. An order commanding the concerned respondent authorities herein to immediately release and disburse the pension amount along with other admissible post-retirement benefits and regularize the same by ensuring continuity of payment of pension in favour of the applicant forthwith;
- e. An order commanding the concerned respondent authorities to pay arrear along with interest @18% p.a. on the pension along with other admissible post-retirement benefits on and from January 01, 2019 till the date of disbursement in favour of the applicant forthwith;
- f. An order commanding the concerned respondent authorities to give effect to the memorandum no. 257/Try-I/En dated March 19, 2019 and further direct the concerned respondent authorities to complete all formalities in accordance with law to release and disburse pension in favour of the applicant by giving effect to the Pension Payment Order forthwith;
- g. Cost and incidental thereto;
- h. Any other or further order or orders be passed as this Hon'ble Tribunal may deem fit and proper.”

PKD

During the course of the hearing, the Counsel for the Applicant has submitted that as per the direction of this Tribunal dated 28.09.2021, the Applicant has been paid PF, Gratuity, commuted value of pension as well as pension with arrears on and from 01.01.2021 but not from 01.01.2019 as he retired on 31<sup>st</sup> December, 2018. However, he has not been paid GIS, Leave Salary, revised portion of commutation of pension, pension and gratuity. Therefore, the Counsel for the Applicant has prayed for appropriate direction upon the Respondents.

The Counsel for the Respondent has submitted that as per instruction, the leave salary is under process. However, he has no instruction with regard to the GIS and revised portion of pension and pensionary benefit. It is submitted that the Respondent Authority would make payment of balance eligible amount to the Applicant very soon.

The Counsel for the Respondent has further submitted that the Respondent Authority desires not to proceed further with regard to the Show-Cause Notice.

We have heard both the parties and perused the records. It is noted that the Applicant has two-fold prayer, i.e., challenging the show-cause notice dated 11.03.2019 as well as direction upon the Authority to make payment of pension, pensionary benefits. As most of the part of the pension and pensionary benefit has been paid and Respondent Authority has undertake to make payment of the remaining portion of the eligible/admissible portion of the pensionary benefits, therefore, the Respondents are directed to make payment of remaining portion, i.e., revised portion of pensionary benefit and GIS and leave salary within a period of 12(twelve) weeks from the date of receipt of the order. Since the Respondents are not eager to proceed with this Show-Cause Notice further, therefore, in our opinion, the OA has become infructuous. Accordingly, the OA is disposed of with above observation and direction.

Since for circumstances beyond control, the Registry is unable to furnish plain copies of this order to the learned advocates for the parties, the Registry is directed to upload this order on the website of the Tribunal forthwith and parties are directed to act on the copies of the order downloaded from the website.

Sayeed Ahmed Baba  
Member(A)

Urmita Datta(Sen)  
Member(J)