

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

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

Case No. – OA 501 of 2018

JHARNA MUKHERJEE - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	: Mr. S.N. Ray Advocate
<u>18</u> 26.02.2021	For the State respondents	: Mr. S. Ghosh Advocate
	Departmental Representative	: Mr. B. Mitra Pr. AG(A&E), WB

The matter is taken up by the single Bench pursuant to the Notification No.949-WBAT/2J-15/2016 dated 24th December, 2020 issued in exercise of the powers conferred under sub-Section (6) of Section 5 of the Administrative Tribunals Act, 1985.

The instant application has been filed praying for a direction upon the Respondents to make payment of provisional family pension as well as other retiral benefits except GPF and Leave Encashment. It has been submitted by the Council for the Applicant that one case is pending before the Hon'ble Appex Court under SLP(CV) No. 8902 of 2019, wherein scale of pay of the Applicant along with others are still pending before the Hon'ble Appex Court. Therefore, the Council for the Applicant has fairly submitted that, at present for the survival of the family, it would be sufficient, if the Respondents would be directed to disburse the undisputed/admissible amount of retiral benefit as well as provisional family pension, arrear family pension as well as the present provisional pension till the disposal of the final decision subject to the outcome of the decision of the Hon'ble Appex Court with regard to the pay scale as referred in the Memo dated 10.04.2019 issued by the Director of Health Services, Government of West Bengal with immediate effect.

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The Council for the Respondent has no objection to make payment of

arrears and current provisional pension as well as other retiral benefit on the basis of the undisputed pay scale of the employee. In view of the above, the Respondent No. 3 is directed to take appropriate steps to make payment of undisputed part of arrear pension and family pension to the family of the Applicant along with current family pension and other retiral benefits on the basis of undisputed pay scale within a period of 6(six) weeks from the date of receipt of the order. However, the said amount would be received by the Applicant with prejudice to the outcome of the pending decision of the Hon'ble Appex Court in SLP(CV) No. 8902 of 2019. Accordingly, the OA is disposed of with no order as to cost. Both the parties are directed to act upon the wabe copy of the order.

Urmita Datta(Sen)
Member(J)