

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman.

Case No. – OA 520 of 2021

Sukanti Chakraborty - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and
Date of order

02
27.08.2021

For the Applicant : Mr. S. Ghosh,
Mr. B. Nandy,
Mr. A. Mitra,
Advocates.

For the State respondents : Mr. M.N. Roy,
Advocate.

For the Principal : Mr. B. Mitra,
Accountant General (A & Departmental Representative.
E), West Bengal

The matter is taken up by the single Bench pursuant to the Notification No. 949-WBAT/2J-15/2016 dated 24th December, 2020 and 456-WBAT/2J-15/2016 dated 16th July, 2021 issued in exercise of the powers conferred under section 6 (5) of the Administrative Tribunals Act, 1985.

Affidavit of service filed be kept on record.

In this application, Sukanti Chakraborty –, the applicant, who had superannuated on 31st October, 2008 as Assistant Commissioner of Police, Special Branch, Kolkata Police, has prayed for certain reliefs, the relevant portion of which is as under :

“(a) An order do issue directing the concerned respondent authorities to forthwith release and disburse the gratuity amount in favour of the applicant with statutory bank interest within a stipulated time period, taking into account of the fact that the applicant has retired from service on 31.10.2008.

(b) An order do issue directing the concerned respondent authorities to forthwith dispose of the representation dated 13th May, 2021 and 17th

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June, 2021 praying for release of gratuity putting reliance on the judgments of the Hon'ble Supreme Court of India by passing a reasoned and speaking order after giving an opportunity of hearing and to communicate the decision thereof within a stipulated time period."

Relying on the application, it is submitted by Mr. S. Ghosh, learned advocate for the applicant, that though it is evident from the Pension Payment Order, being annexure 'B' to the application, that he has received the superannuation dues and is drawing full provisional pension, however, gratuity is yet to be released. Though representation dated 13th May, 2021 for release of gratuity was submitted before the Commissioner of Police, Kolkata, the respondent no. 2, being annexure 'C' to the application and thereafter another letter for release of the same was issued on 17th June, 2021, it is yet to be granted. Submission is the respondent no. 2 may be directed to consider the prayer for release of gratuity.

Mr. M.N. Roy, learned advocate, appearing on behalf of the State respondents submits, if directed, the respondents will consider the matter regarding release of gratuity in accordance with law.

Mr. B. Mitra, the departmental representative for the Principal Accountant General (A & E), West Bengal, the respondent no. 4 adopts the submission of Mr. Roy.

Having heard the learned advocates for the parties and considering the facts and circumstances of the case, the application is disposed of by directing the Commissioner of Police, Kolkata, the respondent no. 2 to dispose of the representations dated 13th May, 2021 and 17th June, 2021

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for release of gratuity of the applicant by passing a reasoned order to be communicated to the parties within fifteen weeks from the date of presentation of a copy of this order downloaded from the website of the Tribunal, after giving an opportunity of hearing and after verifying the records and after making necessary enquiry.

It is made clear that I have not gone into the merits of the application and all points are kept open to be dealt with by the respondent no. 2.

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.

(SOUMITRA PAL)
CHAIRMAN

Rajib