

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman

The Hon'ble Sayeed Ahmed Baba, Administrative Member

Case No. - OA 522 OF 2021

SMT. CHHABI KAR - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and
Date of order

4
06.05.2022

For the Applicant : Mr. Amal Kumar Banerjee,
Advocate

For the State Respondents : Mrs. Sunita Agarwal,
Advocate

At the very outset Mr. Amal Kumar Banerjee, learned advocate for the applicant submits that due to mistake he has not challenged the reasoned order dated 27th January, 2020 passed by the Additional Chief Secretary, Public Works Department, Government of West Bengal and prays for leave to amend the prayer and to take a ground with regard thereto.

Leave granted.

In this application, Chhabi Kar, the applicant has prayed for certain reliefs, the relevant portion of which is as under:

“(i) *Directing the respondents authority concerned each one of them their men, agents, servants, sub-ordinates and/or assigns to forthwith release or / or disburse the interest of delayed payment of the family pension of deceased father of the applicant till the date of actual disbursement.*

(ii) *An order do issue directing the respondents authorities concerned each one of them, their men, agents, servants, sub-ordinates and/or assigns to release and / or disburse the arrear of the interest of delayed payment of the family pension.*

(ii) (a) *Pass an order quashing the order dated*

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27.1.2020 by Add Chief Secretary, P.W.D. ”

It appears earlier the applicant had filed an application, being O.A. 1083 of 2015 praying for interest on delayed payment of family pension, which was disposed of on 27th August, 2018 by passing an order, the relevant portion of which is as under:

“Having heard the learned advocates for the parties and the departmental representative, as the applicant has received the family pension no order be passed so far as the grant of family pension is concerned. So far as the payment of interest is concerned, it is needless to mention that in view of the settled position of law the applicant is entitled to interest @ 8% per annum. Therefore, the applicant is directed to file a representation for grant of interest before the Executive Engineer, P.W.D., Hooghly Electrical Division, Hooghly, the respondent no.6 annexing copies of the pension payment order as well as copies of documents showing the date of actual payments made. If such application is filed, the same shall be disposed of by the Executive Engineer, P.W.D., Hooghly Electrical Division, Hooghly, the respondent no.6 by making detailed calculation with regard to grant of interest within eight weeks and shall forward the same to the Principal Secretary, Public Works

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Department, Government of West Bengal, Kolkata, the respondent no.2 who shall dispose of the matter regarding grant of interest within eight weeks by passing a reasoned order after giving an opportunity of hearing.”

Thereafter, the applicant filed a representation before the Principal Secretary, Public Works Department, Government of West Bengal, Kolkata, who by an order dated 27th January, 2020 passed a reasoned order rejecting the prayer of the applicant for grant of interest on family pension.

In our view, if the Additional Chief Secretary, Public Works Department, Government of West Bengal, was aggrieved by the order dated 27th August, 2018, passed by the Tribunal, he should have challenged the said order before the appropriate forum. Instead, the Additional Chief Secretary rejected the application by passing a reasoned order on 27th January, 2020, being annexure ‘F’ to the application. The impugned reasoned order surprisingly does not make a mention of the memo No.1431 dated 4th September, 2019, issued by the Executive Engineer, Public Works Directorate, Hooghly Electrical Division, Government of West Bengal, being annexure ‘D’ to the application, who had calculated the interest on arrear family pension at Rs.41,353/- on the basis of interest at the rate of 8% per annum, as directed by the Tribunal, for the period from 27th April, 2012 to 17th March, 2017, a copy of which was also sent to the Principal Secretary, Public Works Department, Government of West Bengal. Ignoring the said memo dated 4th September, 2019, issued by the Executive Engineer, shows that the Additional Chief Secretary, Public Works Department was bent upon rejecting the claim of the applicant in spite of the order of the Tribunal. In fact, by the order under challenge the Additional Chief Secretary has tried to sit on appeal on the order of the Tribunal. It not only speaks of non-

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application of mind and of high-handedness, but also shows complete disregard and disrespect to the Tribunal. Hence, the reasoned order dated 27th January, 2020 is set aside and quashed. Accordingly, the Principal Secretary, now designated as the Secretary, Public Works Department, Government of West Bengal, the respondent no.2 is directed to disburse the sum of Rs.41,353/- in favour of the applicant within four weeks from the date of presentation of a copy of this order downloaded from the website of the Tribunal. The application is allowed.

Let a copy of this order be sent by the Registry of the Tribunal to the Chief Secretary, Government of West Bengal.

(SAYEED AHMED BABA)
MEMBER (A)

(SOUMITRA PAL)
CHAIRMAN

WEST BENGAL ADMINISTRATIVE TRIBUNAL