

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson and Administrative Member.

Case No. –OA 528 of 2022

Shri Madhusudan Debnath. - Versus - The State of West Bengal & Others.

Serial No. and Date of order	For the Applicant	: Mr. G. Halder, Advocate.
<u>06</u> 10.05.2023.	For the State Respondents	: Mr. R. K. Mondal, Advocate.
	For the Principal Accountant General (A&E), West Bengal	: Mr. B. Mitra, Departmental Representative.

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 638-WBAT/2J-15/2016 (Pt. II) dated 23rd November, 2022 issued in exercise of the powers conferred under Section 5 (6) of the Administrative Tribunals Act, 1985.

On consent of the learned counsels for the contesting parties, the case is taken up for consideration sitting singly.

The prayer in this application is for a direction to the respondent authorities to disburse all consequential service benefits including arrear pay and MCAS for 25 years with effect from 01.04.2001. It appears from the submissions and the records that since the applicant was suspended for being involved in a criminal case, he was allowed only the interim allowance in term of Rule 14 of West Bengal Services (Death cum Retirement Benefit) Rules, 1971.

Submission of Mr. G. Halder, learned counsel appearing on behalf of the applicant is that since he has completed the sentence after being convicted, therefore, his prayer may be allowed.

However, Mr. R. K. Mondal, learned counsel appearing on behalf of the State respondents submits that as per the same Rule 14, any employee convicted of criminal charge shall not be entitled to any pension and compassionate allowance. Such allowances, if paid to the employee, shall have to be refunded to the Government by such convicted employee as per Rule 9 and 10.

ORDER SHEET

Form No.

Shri Madhusudan Debnath.

Case No. **OA 528 of 2022.**

Vs.

The State of West Bengal & Others.

After hearing the submissions of the learned counsels, it is clear that as per the Rule cited the applicant as the convicted employee, convicted in a criminal case, is not eligible for pension, even an interim allowance. Let the respondent issues direction upon the applicant to refund the interim allowance, if no such direction has been issued earlier.

Accordingly, the application is disposed of.

(SAYEED AHMED BABA)
Officiating Chairperson and Member (A)

S.M./H.S.