

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble SAYEED AHMED BABA, Officiating Chairperson & Member (A)

Case No. – OA-534 of 2017

Sudhakar Maity VERSUS – The State of West Bengal & Ors..

Serial No. and Date of order For the Applicant : Ms. S. Das,
Learned Advocate.

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06.12.2022 For the State Respondents : Mr. G.P. Banerjee,
(Finance Deptt.) Learned Advocate.

For the State Respondent : Mr. Sankha Ghosh,
Learned Advocate.

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.

In this application the prayer is for a direction to the respondent to allow his pension under WBSR (DCRB Rules, 1971). The applicant retired as a Head Clerk under the Department of Micro & Small Scale Industries and Textiles in the year 2001. Submission of the learned advocate for the applicant is that such pensionary benefits under WBSR was extended to other employees who are similarly circumstanced but this applicant has been deprived of such benefit. Learned counsel also refers to letters addressed by Works Manager, Central Engineering Organisation and Joint Director of MSME (Audit) recommending his case for pension under WBSR.

Earlier the Tribunal in OA -918 of 2012 had directed the

State to consider the applicant's case and if entitled the applicant should be extended all retiral benefits. Earlier in the same matter the Tribunal on 17.04.2018 had directed the respondent to file their reply. However, it appears despite the above two directions, the State had neither considered the matter nor submitted reply till now.

Mr. Banerjee, learned counsel for the Finance Department submits that by the next date, the reply of the state will be submitted after consulting the respondent.

Let the matter be listed for Hearing on **17.01.2023**.

SAYEED AHMED BABA
OFFICIATING CHAIRPERSON & MEMBER(A)