

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-555 of 2020.

Bibhuti Bhusan Mazumder. – Versus – The State of West Bengal and Others.

Serial No. and Date of order	For the Applicant	:	Mr. B. Das, Advocate.
<u>05</u> 25.04.2022.	For the State Respondents	:	Mr. G. P. Banerjee, Advocate.
	For the Principal Accountant General (A&E), West Bengal.	:	Mr. B. Mitra, Departmental Representative.

In this application, Bibhuti Bhusan Mazumder - the applicant, who was appointed as Senior Laboratory Assistant under Public Works Department on 10th May, 1965 and was again appointed as Research Assistant on 4th March, 1971 and had superannuated as Senior Research Assistant from Metropolitan Sports Division-I, Public Works Directorate on 30th June, 2006, has prayed for several reliefs, the relevant portion of which is as under :-

“1. A direction upon the respondent authorities to forthwith rectify the Pension Payment Order Dated 11.10.2002 release the balance amount of Death Cum Retirement Gratuity of the applicant amounting to Rs. 1,92,324 (Rupees One lakh ninety two thousand three hundred and twenty-four) only and further to command them to act strictly in accordance with law;

2. A direction upon the Respondent Authorities to pay the interest upon the delayed payment of balance gratuity amount of Rs. 1,92,324 from the next date of retirement (i.e.01-07-2002) till the date of actual payment to your petitioner @12% per annum, forthwith;”

It appears that though directions were issued for filing of reply

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and rejoinder, no reply and rejoinder have been filed. However, the Principal Accountant General (A&E), West Bengal – the respondent no. 3 has filed a report which is on record. The written objection has been submitted on behalf of the applicant against the said report. It appears that the applicant has stated that though at the time of retirement his last basic pay was Rs. 9275/- but surprisingly in the Pension Payment Order dated 11th October, 2002, it has been wrongly shown as Rs. 8800/-. It has been stated that since it transpires that Senior Research Assistant is not a feeder post of Research Assistant and is a fresh appointment, hence, the last basic pay of the applicant remains at Rs. 9275/-, therefore the question of overdrawal of pay and allowances does not arise. It has been stated the applicant is entitled to get retiring gratuity of Rs. 2,04,732/-. It has been stated that a sum of Rs. 1,92,324/- has been deducted as overdrawal of salary in spite of the observation made by the Senior Accountants Officer in the intimation dated 8th July, 2002. In this regard, reliance has been placed on annexure-‘P2’ that is the intimation by the Senior Accountants Officer to the Deputy Secretary, Finance Department (Pension Cell) regarding return of pension case of the applicant.

Mr. B. Das, learned advocate for the applicant submits that the applicant has been pursuing the matter for long and since the appointment as Senior Research Assistant was a fresh appointment he is entitled to higher salary and gratuity.

Mr. B. Mitra, the departmental representative on behalf of the Principal Accountant General (A&E), West Bengal – the respondent no. 3 relying on the report, particularly page-3 of the same and referring to the last sentence of the intimation dated 8th July, 2002,

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being annexure –‘P2’ to the application submits since the Finance Department was directed to recheck the revised annexure-I and to take necessary action in the light of the observation mentioned therein and as the case was considered in detail, the applicant is not entitled to reliefs as prayed for.

Mr. G. P. Banerjee, learned advocate appearing on behalf of the State respondents referring to the report submits that the applicant had superannuated on 30th June, 2002. Though the applicant was well aware of the contents in page 13 of the report, that is regarding the pension case of the applicant, all these years he did not challenge the said intimation. Even the statements regarding the delay are vague. No representation was filed in between 2002 and 2017. Moreover, in the written objection the applicant has prayed for quashing of annexure F of the report, though the applicant was well aware of the same.

Heard the learned advocates for the parties. There is no dispute that the applicant had superannuated in 30th June, 2002. Thereafter, he was drawing pension. The applicant has not disputed that he was not aware of the intimation dated 30th July, 2002 issued by the Assistant Secretary of the Finance Department, Pension Branch regarding his pension case. Though the applicant had superannuated in the year 2002, the first representation was made in the year 2017, that is after 15 years. This delay has not been explained. Therefore, no order can be passed on this application. The application is disposed of.

(SAYEED AHMED BABA)
MEMBER (A)

(SOUMITRA PAL)
CHAIRMAN

S.M.

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