

ORDER SHEET

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 566 of 2024

Nikhil Ranjan Biswas -- **VERSUS** – The State of West Bengal & Others

Serial No. and Date of order	For the Applicant	: Mr. N.C. Mondal, Ms. S. Malakar, Ld. Advocates.
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27.11.2024	For the State Respondents	: None

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.

Affidavit of service filed today be kept on record.

The prayer in this application is for a direction to the respondent authorities to release the retiral benefits. The applicant who had worked as a Health Inspector, superannuated from service on 31.10.2024. Mr. N. C. Mondal, learned counsel for the applicant draws attention to Memo No. 9146 dated 23.10.2024. By this memo, the Chief Medical Officer of Health, North 24 Parganas instructs the Block Medical Officer of Health not to disburse payment relating to his superannuation. Such instruction appears to have been given on the ground that an enquiry has been initiated against the applicant and an FIR also lodged No. 401 of 2023.

Submission of Mr. Mondal is that it is arbitrary on part of the respondent authorities to disallow payment his pension and other retiral benefits. Pending enquiry for some alleged complains against him, the respondent authorities cannot withhold his retirement benefits. Mr. Mondal filed a copy of Hon'ble Supreme Court Judgment reported in (2006) 7 SCC 651 in the case of State of West Bengal v. Haresh C. Banerjee (Sabharwal, C.J.).

The matter is admitted.

Let the matter appear under the heading “**Hearing**” on **21.01.2025**.

Reply and rejoinder, if any, in the meantime.

SAYEED AHMED BABA
Officiating Chairperson & Member (A)

H.S/A.K.P