

**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 569 OF 2023**

**KALYAN KUMAR CHATTERJEE - Vs - THE STATE OF WEST BENGAL & OTHERS.**

Serial No. and  
Date of order

04  
30.07.2024

For the Applicant : Mrs. Sonali Mitra  
Advocate

For the State respondents : Ms.Ruma Sarkar  
Mr.Sourav Debray  
Mrs.A.Bhattacharya  
(Departmental representatives)

For the Principal Accountant : Mr.Biswanath Mitra  
General (A&E) West Bengal (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 23<sup>rd</sup> 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 and the learned Departmental representatives for the contesting parties, the case is taken up for consideration sitting singly.

Mrs.Mitra, learned counsel for the applicant is not pressing prayer 8 (c) relating to payment of 18% interest on the pension and pensionary benefits.

The applicant has prayed for a direction to sanction his full pension along with arrears after being acquitted in a criminal case. Submission of Mrs.Mitra, learned counsel is that the applicant was allowed only interim allowance due to his involvement in a criminal case, but since the learned Additional Session Judge, 3<sup>rd</sup> Court, Barrackpore, North 24-Paraganas has passed an order, by which he has been acquitted from the same criminal case, therefore, a direction may be given to the respondent authority to sanction and disburse his full

pension along with his arrears.

From the submissions of the learned counsels representing both the sides, the following issues are obvious and not in dispute.

- (i) The pension of the applicant was withheld at the time of his superannuation in 2008 only on the ground that the respondents came to find that he was involved in a criminal case.
- (ii) Since such pension could not be processed in his favour, the respondent authorities sanctioned initially a provisional pension later changed to interim allowance.
- (iii) In 2023, the appropriate Court passed an order acquitting him from all the charges filed against him in the same criminal appeal.

Once acquitted, the applicant who had retired as UDC under Sub Divisional Officer's office, Barrackpore, furnished a representation dated 20.02.2023 praying for sanction of regular pension in his favour in view of the fact that the criminal case against him has been closed with his acquittal. Ms.R.Sarkar, learned Departmental representative has submitted that the respondent SDO, Barrackpore had moved the Finance Department seeking instructions regarding sanction of pension to the applicant after his acquittal from the criminal case. As stated by her, the Finance Department has advised the SDO to move such proposal to the administrative department and to the learned LR through the District Magistrate. Mrs. Mitra, has expressed her views that after his acquittal, it becomes the bounden duty of the respondent authorities to sanction him his regular pension. The fact that the applicant was not facing any disciplinary proceedings either during his service life or later was also not in dispute.

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Having heard the submissions of the learned counsels and on examination of the facts and records in this case, the Tribunal is satisfied that after such an acquittal from the criminal case, the applicant is fully entitled to receive his pension and pensionary benefits. Thus, it becomes the responsibility of the respondent authorities, in particular, the respondent No. 4, the Sub-Divisional Officer, Barrackpore to sanction such pension and pensionary benefits to the applicant.

In view of the above observation, the respondent No.4 is directed to process the pension and pensionary proposal of the applicant and submit the same before the Principal Accountant General (A&E) West Bengal within a period of four months from the date of communication of this order, if he is, otherwise, eligible. The application is disposed of.

**(SAYEED AHMED BABA)**  
**OFFICIATING CHAIRPERSON AND MEMBER (A)**

BLR