

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 579 of 2024

Ashim Mondal -- **VERSUS** – The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicant : Mr. Sourav Bhattacharjee,
Ld. Advocate.

For the State Respondents : Mr. M.N. Roy,
Ld. Advocate.

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29.11.2024

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 be kept on record.

The prayer in this application is for a direction to the respondent authorities to sanction and release his pension along with other retiral benefits including leave encashment. From the submissions and records, it is understood that the applicant had superannuated while a criminal case was pending against him. In view of such involvement, he was denied regular pension, but instead the interim allowance was allowed. Mr. Bhattacharjee, learned counsel agrees that such interim allowance has been given to the applicant. However, the applicant is entitled to receive his full leave encashment and it has not been sanctioned. Mr. Bhattacharjee also argues that some of his colleagues, who were also involved in the same case, have been promoted despite pendency of such case. In view of this fact that promotions have been given to others in the same case, this applicant also deserves to be given his full pension and other retiral benefits.

Mr. Roy, learned counsel, however, does not agree with what Mr. Bhattacharjee has submitted. Mr. Roy cited the relevant Rule 14 of the West Bengal Services (Death-cum-Retirement Benefit) Rules, 1971, by which regular pension is not sanctioned to those employees against whom the criminal case is pending and the charge-sheet has already been filed. So far the leave encashment is concerned, it is understood from the submissions that a prayer has to be made by the applicant for release of the same.

Having heard the submissions of the learned counsels of both the

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sides, this application is disposed of by giving liberty to the applicant to file a representation before the respondent no. 5, the Deputy Commissioner of Police, Hooghly, Chinsurah praying for sanction of his leave encashment benefits within a period of six (06) weeks from today. The respondent no. 5, the Deputy Commissioner of Police, Hooghly, Chinsurah is directed to examine the representation and take suitable action as per the Rules within a period of twelve (12) weeks from the date of submission of a representation by the applicant.

Accordingly, this application is disposed of.

SAYEED AHMED BABA
Officiating Chairperson & Member (A)

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