

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

**HON'BLE JUSTICE SOUMITRA PAL,
HON'BLE SAYEED AHMED BABA,**

**HON'BLE CHAIRMAN &
ADMINISTRATIVE MEMBER.**

Case No. – OA 585 of 2017.

RITA BISWAS & ANOTHER -VERSUS-THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicants	: Mr. A. Bhattacharya, Advocate.
<u>25</u> 17.12.2021.	For the State Respondents	: Mr. G.P. Banerjee, Advocate.
	For the Principal Accountant General (A & E) WB	: Mr. B. Mitra, Departmental representative.

The original application was filed by Amit Kumar Biswas praying for certain reliefs, the relevant portion of which is as under :-

“.....a) An order do issued directing the concerned Respondent authority concerned to pay the entire dues of retiral benefits inclusive arrear of Gratuity, G.I.S.S., Leave encashment, regularisation of pension to the Applicant as per law.

b) An order do issued directing the concerned Respondent authority to disburse arrear pension and pensionary benefits at the rate of 18% per annum simple interest till the actual date of realisation of all such dues...”.

Directions were issued for filing of reply and rejoinder. Reply has not been filed by the respondents. During the pendency of the original application, the applicant expired on 11th April, 2020 leaving behind Rita Biswas, his wife and Amrita Biswas Singh, her daughter as heirs and legal representatives. An application for substitution, being MA 69 of 2020, was filed which, after hearing the parties, was allowed on 12th October, 2020 holding that Rita Biswas and Amrita Biswas Singh be substituted in place and stead of late Amit Kumar Biswas by amending the cause title of the original application. The Registry was directed to carry out the amendment, which though belatedly, has been carried out.

It appears that Amit Kumar Biswas had superannuated on 28th

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of February, 2013. Since criminal case was pending, he was getting interim allowance. It is submitted by Mr. A.Bhattacharya, learned advocate for the applicants that after superannuation, the respondents have disbursed interim allowance, G.I.S.S and leave encashment. However, Gratuity and other superannuation benefits are yet to be disbursed. Submission is as during the pendency of the criminal case, the original applicant had expired, appropriate order may be passed for release of the family pension and other admissible benefits.

Mr. G.P. Banerjee, learned advocate appearing on behalf of the State respondents submits, if directed, the respondent authorities will disburse the superannuation and other benefits and family pension to the applicants in accordance with law.

Mr. B. Mitra, the departmental representative for the Principal Accountant General (A & E) West Bengal, - the respondent no. 3 adopts the submission of Mr. Banerjee.

Having heard the learned advocates for the parties and considering the facts and circumstances of the case, the application is disposed of by granting liberty to the applicants - Rita Biswas and Amrita Biswas Singh to file a representation, along with a copy of this order, regarding payment of family pension, gratuity and other superannuation benefits before the Director of Consumer Affair & Fair Business Practices, Government of West Bengal, - the respondent no. 2 within eight weeks from the date of obtaining a copy of this order. If representation is filed, the said respondent no. 2 shall dispose of the same by passing a reasoned order to be communicated to the parties within fifteen weeks after giving an opportunity of hearing and after verifying the records. In the event it is found that the applicants are

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entitled to the reliefs as prayed for, the said respondent no. 2 in his reasoned order shall intimate about the formalities to be complied with by the applicants. In that event, the applicant shall comply with the formalities within four weeks and the respondent no. 2 shall forward the same before the respondent no. 3 within a fortnight thereafter. Upon receipt of the documents and records, the respondent no. 3 shall issue necessary sanction for disbursement of the amount within six weeks.

(SAYEED AHMED BABA)
MEMBER(A)

(SOUMITRA PAL)
CHAIRMAN.

Skd.

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