

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman

Case No. - OA 587 OF 2019

NURZAHAN BEGUM - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicants	:	Ms. Priyakshi Banerjee, Ms. Shahana Naznin, Advocates
<u>12</u> 17.08.2022	For the State Respondents	:	Mr. Gautam Pathak Banerjee, Advocate

The matter is taken up by the single Bench pursuant to the order contained in the Notification No.496-WBAT / 1E-08/2003 (Pt.-II) dated 4th August, 2022 issued in exercise of the powers conferred under section 6(5) of the Administrative Tribunals Act, 1985.

In the application, Nurzahan Begum, the applicant has challenged the order dated 21st July, 2016 and has prayed for extension of promotional benefits as Upper Divisional Clerk on and from 28th March, 2008 and to release the arrear salary and re-fixation of pensionary benefits and other dues.

It appears that during the service tenure, the applicant was implicated in a criminal case. She superannuated on 1st July, 2009. Subsequently, by order dated 19th August, 2013, passed in the criminal case, she was acquitted of all the charges levelled against her.

Ms. Priyakshi Banerjee, learned advocate for the applicant submits that since the applicant was acquitted in the criminal case, though after retirement from service, the respondents may be directed to consider her case for promotion with effect from 28th March, 2008 when she became eligible for promotion. Submission is the respondents may be directed to disburse the dues.

Mr. Gautam Pathak Banerjee, learned advocate appearing on behalf of the State respondents submits that as promotion is not a matter of right, no order may be passed. Moreover the retiral benefits of the applicant have been disbursed and she is now drawing pension.

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Vs.
THE STATE OF WEST BENGAL & ORS.

Having heard the learned advocates for the parties and considering the facts and circumstances of the case, since the applicant after superannuation is drawing pension, no order is passed on this application save and except the Joint Director, Animal Resources Development, State Livestock Farm, Nadia, the respondent no.3 shall disburse the superannuation dues of the applicant, if any, in accordance with law expeditiously. The application is disposed of.

SCN.

(SOUMITRA PAL)
CHAIRMAN

WEST BENGAL ADMINISTRATIVE TRIBUNAL