

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Mrs. Urmita Datta (Sen), Member(J).

**Case No. – OA 6 of 2021**

Bholanath Chowdhury - **VERSUS** - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	:Mr. G. Shrivastava, Ms. L. Moitra, Ld. Advs.
<u>04</u> 17.03.2021	For the Respondent No	: Mr. S.N. Ray, Ld. Adv.

The matter is taken up by the Single Bench pursuant to the Notification No. 949-WBAT/2J-15/2016 dated 24th December, 2020, issued in exercise of the powers conferred under sub section (6) of Section 5 of the Administrative Tribunals Act, 1985.

Affidavit of service filed by the applicant be kept on record.

The instant application has been filed praying for re-fixation of pay as well as pension and pensionary benefits. As per the applicant, he retired on 31.01.2020 but till date he has not been paid any pension or pensionary benefits except GPF.

The counsel for the applicant has submitted that the applicant was absent during the period from 2000 to 2009. However, thereafter, he was allowed to join his duty with a lump sum pay. However, his leave was regularized vide letter dated 13.02.2013 (annexure "13") and thereafter the Joint Milk Commissioner (A/CS) had asked the W.A.O.(D.M.C), Central Dairy (annexure A 14) to fix the pay of the applicant in the revised scale. However, thereafter also his pay was not re-fixed and now he has not been paid the pensionary benefits also. During the course of the hearing, the counsel for the applicant has submitted that in the interim at least his client may be paid admissible amount of pension and pensionary benefits on the admissible pay scale without prejudice to his claim of re-fixation of pay.

The counsel for the respondents has prayed for some time to take instruction about the latest position of the re-fixation of pay and pensionary benefits thereof.

Heard both the parties and perused the record.

In view of the above circumstances, it is noted that the applicant had

**ORDER SHEET**

Form No.

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joined the service again on 2009 and on 13.02.2013, there was communication for re-fixation of pay and in the meantime, he retired on 31.01.2020. Therefore, the respondents are directed to pay at least the admissible portion of pension and pensionary benefits within a period of 6 weeks from the date of receipt of the order, if in the meantime the respondent have not re-fixed the pay scale of the applicant as per their letter dated 13.02.2013. The respondents are also directed to file status report in this regard by the next date. The respondents are also at liberty to file reply within 6 weeks and rejoinder, if any, may be filed within 2 weeks thereafter.

Let the matter be listed on **19.05.2021** under the heading “**Admission Hearing.**”

Mrs. URMITA DATTA (SEN)  
MEMBER (J)

HS