

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 600 of 2023

Pradip Kumar Sinha -- **VERSUS** – The State of West Bengal & Ors.

Serial No. and
Date of order

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

For the State respondent : Ms. R. Sarkar,
No. 1 Mr. S. Debray,

02
08.04.2024

Mr. R. Bag,
Ld. Depttl. Reps.

For the State respondent : Mr. D. Kole,
No. 2 Ld. Advocate.

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.

On consent of the learned counsels for the contesting parties, the case is taken up for consideration sitting singly.

The prayer in this application is for a direction to the State respondents to release interest @ 8% p.a. for delayed payment of his pensionary benefits for the period from 01.09.2012 to 31.12.2022 amounting to Rs.15,15,949/- since the applicant has been retired from service on 31.08.2012.

Submission of Mr. Bhattacharjee, learned counsel for the applicant is that the applicant was acquitted honourably by the Learned Court after it was proved that the complaint against the applicant was not substantiated. Therefore, the respondent authorities may be directed to release him an interest @ 8% for delayed payment of the pensionary benefits. The Learned Departmental Representatives and the counsel for the State submit that after being acquitted, the applicant has been given his entire pension including arrears. For being involved in a criminal case, the respondent authority were neither responsible nor liable to pay any interest for the delayed release of his pension.

Having heard the submission of the learned counsels and considering the facts and circumstances of the case, the Tribunal finds that the reason for demanding an interest @ 8% for delayed payment of his pensionary benefits is not based on any proper ground. It is a fact that the applicant was involved in a criminal case and, therefore, the release of his pension and retiral benefits were

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delayed. For such involvement in a criminal case and for such delay, the respondent authority is not responsible. Although, Mr. Bhattacharjee submits that the applicant was involved in this criminal case on the basis of a false complaint, however, the Tribunal finds that such delay occurred due to his involvement in a criminal case. For this, the applicant himself is responsible.

Hence, I find no merit in this application and accordingly, this application is **disposed of** without any orders.

SAYEED AHMED BABA
Officiating Chairperson & Member (A)

CSM/SS