

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

THE HON'BLE SAYEED AHMED BABA, OFFICIATING CHAIRPERSON AND ADMINISTRATIVE MEMBER,

Case No. - OA 601 OF 2024

BAIDYANATH HEMBRAM - Vs - THE STATE OF WEST BENGAL & OTHERS.

Serial No. and

Date of order

03

21.03.2025

For the Applicant : Mrs. Baisali Ghoshal
Advocate

For the State Respondents : Mr. Goutam Pathak Banerjee
Advocate

For the Principal Accountant : Mr. Biswanath Mitra
General (A&E) West Bengal (Departmental Representative)

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 and the learned Departmental representative for the contesting parties, the case is taken up for consideration sitting singly.

The applicant has prayed for a direction to the respondent authorities to disburse him his pensionary and other retiral benefits from the date of his retirement on 01.04.2023. From the submissions of the learned counsels and the records, it has become clear that such pension could not be released to him for the reason that a criminal case has been initiated against him and pending before the competent court of law. Mr. Ghoshal, learned counsel agreeing with this position, however, draws attention to copy of representation filed by the applicant before the Additional Chief Secretary on 10.07.2024. Submission is that as prayed for by the applicant, he is entitled to benefit from an interim allowance as per rule 14 of the DCRB Rules, 1971. Submission is that a direction may be given to the respondent authorities to sanction the applicant such interim allowance. Mr. G.P. Banerjee, learned counsel

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submits that if such a direction is given for sanction of interim allowance, the same will be considered, if the applicant is found to be entitled.

In view of the above submission, the Tribunal directs the respondent No. 1, the Principal Secretary, Personnel and Administrative Reforms Department to consider the representation of the applicant furnished before him praying for such an interim allowance. After examination, if it is found that he is entitled to receive this allowance, the same may be sanctioned in his favour preferably within three months from the date of communication of this order.

With the above direction, the application is disposed.

(SAYEED AHMED BABA)
OFFICIATING CHAIRPERSON AND MEMBER (A)

BLR