

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman

Case No. – OA 63 OF 2022

ASHIS KUMAR BAG

- VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and
Date of order

07
25.08.2022

For the Applicant : Mr. Goutam Pathak Banerjee
Ms. Priya Dey
Advocates

For the State Respondents : Mr. Debabrata Koley
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.

By order dated 23rd August, 2022, the applicant was directed to reaffirm the application. I find that the applicant has been reaffirmed the application on 24th August, 2022. The matter has appeared today under the heading "To be Mentioned". Mr.G.P.Banerjee, learned advocate appearing for the applicant submits since notice has been issued on the respondents and the respondents have entered appearance through their learned advocate, the matter may be taken up for hearing today to which, Mr.D.Koley, learned advocate for the respondents, in his usual fairness, does not oppose. Therefore, the matter is taken up for hearing.

In the application, Ashis Kumar Bag, the applicant, - stated to be the son of Tarak Nath Bag, who was a permanent employee under the department of Health and Family Welfare and attached as a General Duty Attendant at Arambagh Sub-Divisional Hospital at Arambagh, Hooghly, who had superannuated on 31st July, 1998 and had expired on 14th November, 2004, - has prayed for certain reliefs, the relevant portion of which is as under:

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“ (i) Directing the respondent authorities concerned, each one of them, their men, agents, servants, subordinates and/ or assigns to forthwith release/ disburse the death-cum-retiral benefits including Provident Fund, Gratuity, Leave Salary and Salary for the period from July 17, 1996 to November, 14, 1996 along with due pensionary benefits alongwith interest thereon in favour of the applicant.

Directing the respondent authorities concerned, each one of them, their men, agents, servants, subordinates and/ or assigns to forthwith consider the representation of the applicant dated October 8, 2021 within a specific date and upon considering the same release/ disburse the death-cum-retiral benefits including Provident Fund, Gratuity, Leave Salary and Salary for the period from July 17, 1996 to November 14, 1996 alongwith due pensionary benefits alongwith interest thereon, for which he is very much entitled to.”

It is submitted by Mr.G.P.Banerjee, learned advocate appearing on behalf of the applicant since representation dated 8th October, 2021 has been filed by the applicant for release of salary from the period from 17th July, 1996 to 14th November, 1996 along with superannuation benefits and provident fund, as evident from Annexure- ‘M’ to the application, and as in view of the said representation, the Special Officer (Pension), Directorate of Health Services, Government of West Bengal, the respondent no. 3. by memo. dated 24th December, 2021 being Annexure – ‘N’ to the application intimated the Superintendent, Arambagh, S.D.Hospital, Hooghly, to do needful as per

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government rule if the fact is found to be genuine, appropriate order may be passed directing the respondents to release the amount.

Mr.D.Koley, learned advocate appearing on behalf of the State respondents submits in view of memo. dated 24th December, 2021, if directed, the respondent no. 5 shall take appropriate steps in accordance with law.

Having heard the learned advocates for the parties and considering the facts and circumstances of the case, in view of the memo. dated 24th December, 2021 issued by the respondent no. 3, the application is disposed of by directing the Superintendent, Arambagh, Sub-Divisional Hospital, Hooghly, the respondent no. 5 to dispose of the representation dated 8th October, 2021 by passing a reasoned order to be communicated to the parties within fifteen weeks from the date of presentation of a copy of this order after giving an opportunity of hearing, after verifying the records regarding the genuineness of the claim and after considering the relevant government rules and notifications.

(SOUMITRA PAL)
CHAIRMAN

BLR