

**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 634 of 2021**

**Krishnadas Chatterjee - Vs - The State of West Bengal & Ors.**

Serial No. and  
Date of order

17  
28.02.2024

For the Applicant : Ms. P. Paul,  
Learned Advocate.

For the State Respondents Mr. S.Ghosh,  
Learned Advocate.

For the Pr. A.G.W.B. Mr. B. Mitra.

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.

Submission of Ms. Paul is that the applicant is only getting 2/3<sup>rd</sup> of his pension and not his full pension.

Mr. Ghosh submits that since a criminal case is still pending, therefore, law does not allow the respondent authority to give him the full pension, only interim allowance is admissible, which the applicant is already receiving.

In support of her submission Ms. Paul has submitted that a co-accused in the same case has been granted full pensionary benefits in terms of orders of the Central Administrative Tribunal. Ms. Paul also relied upon a judgement of the Hon'ble High Court in WP-5168 (W) of 2018.

Mr. Mitra, representative of Accountant General (A&E), W.B. submits that as per Rule 14 of W.B. (D.C.R.B.) Rules, 1971, an employee who is involved in a criminal case and where such case has not been concluded, only interim allowance not exceeding 2/3<sup>rd</sup> of full pension is allowed. In this case the applicant is already receiving such interim allowance. The applicant had retired from service on 31.07.2020.

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Form No.

**Krishnadas Chatterjee**

Vs.

Case No **OA 634 of 2021**

**THE STATE OF WEST BENGAL & OTHERS.**

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Besides full pension, the applicant has not been given his gratuity and leave encashment also.

Submission of Ms. Paul is also that the charges in the cases under sections 409,417,418,420,467,468,471,477(a), 120(b) of IPC relates to the applicant in person and such charges have not led to any financial loss to the government. Therefore, punishing the applicant by withholding his pension for charges not connected with his office or any financial loss to the government is arbitrary on the part of the respondents. Ms. Paul also files a copy of W.P. No. 14668 (W) of 2012-Anadi Prasad Mahato Vs. State of West Bengal & Ors. as relevant in this matter.

Heard the parties.

**ORDER RESERVED.**

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

SC