

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

Mr. Sayeed Ahmed Baba, Officiating Chairperson and Hon'ble Member (A).

Case No. – OA 70 of 2022.

RABEYA YUSUF KHATUN – VERSUS-THE STATE OF WEST BENGAL & ORS

Serial No. and
Date of order

07
06.12.2023

For the Applicant : Mr N.C. Mondal,
Learned Advocate.

For the State respondents : Mrs. S. Agarwal,
Learned Advocate.

For the Principal Accountant General (A & E) W.B. : Mr. B. Mitra,
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 counsel for the contesting parties, the case is taken up for consideration sitting singly.

The prayer in this application is for a direction to release the retirement benefits of the applicant and 12% compound interest w.e.f. 30.09.2001 to 12.02.2021.

After hearing the submissions of the learned counsels and examining the records, it is evidently clear that this prayer was heard by the Tribunal in OA 233 of 2016 and a direction was passed on 26.3.2018. The relevant part of the direction is as follows :-

“.....Having heard Learned Counsel representing the applicant and the authorized representative of AG (A & E), West Bengal, we direct the respondent no.3, Chief Medical Officer of Health, North 24-Parganas to consider entitlement of the applicant to get family pension, arrears of pension...”

In terms of such direction, the applicant was sanctioned her family pension along with arrears of pension during 2020. Submission of Mr. N.C.Mondal, learned counsel is that such arrears of pension and family pension were sanctioned and received but the interest pertaining to the period from 30.9.2001 to 12.2.2021 has

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not been considered.

Having heard the submissions, the Tribunal is of the opinion that this prayer was earlier heard by this Tribunal and suitable direction was passed upon the respondents. The Tribunal had not found any wilful delay caused by the respondent authorities in releasing those benefits. After careful examination of the matter, this Bench also does not find any deliberate delay caused by the officials. Hence, no order is passed on the prayer.

So far the interest for delayed payment from 30.9.2001 is concerned, the date of retirement of the deceased employee concerned, the Tribunal finds that this issue was also covered by the Tribunal while hearing the matter in OA 233 of 2016.

Since as per direction of the Tribunal the arrears of the pension has already been released, the question of delayed payment due to wilful latches on the part of the respondent also does not arise.

Hence, this application is disposed of without passing any order.

Skg.

(SAYEED AHMED BABA)
Officiating Chairperson and Member (A).