

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman

Case No. – OA 713 OF 2021

PRASANTA KUMAR SAHOO - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and
Date of order

05
05.07.2022

For the Applicant : Mr. Supratim Dhar
Mr. Pravath Bhattacharya
Advocate

For the State respondents : Mr. Soumendra Narayan Ray
Advocate

The matter is taken up by the single Bench pursuant to the order contained in the Notification No. 118-WBAT/1E-08/2003 (Pt.-II) dated 11th February, 2022 issued in exercise of the powers conferred under section 6 (5) of the Administrative Tribunals Act, 1985.

In this application, the applicant, has prayed for certain reliefs, the relevant portion of which is as under:

“(a) An order do issue directing the concern respondent authorities to disburse the pension and other retirement benefits which they applicant is entitled to receive as per law.

(b) An order do issue directing the concern respondent authorities to disburse the arrear subsistence allowance calculated at 75 of the pay and allowance w.e.f. 1st October, 2015.

(c) An order do issue directing the respondent authorities to pay all arrears allowances after calculating the subsistence allowance already paid with an interest @ 18% p.a. till the actual realization of the same.”

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It appears that in the year 1984, the applicant was appointed as a clerk and served the Department of Home (P&R) till 27th February, 1989 and thereafter he was released on 28th February, 1989. The applicant on 1st March, 1989 joined in West Bengal Junior Social Welfare Service and was confirmed on 1st March, 1992. The applicant was appointed as Child Development Project Officer, Raiganj ICDS Project under Jalapaiguri District and subsequently promoted to the post of District Social Welfare Officer and was posted at Darjeeling. It has been stated that the wife of the applicant was murdered at her residence at Jalpaiguri and upon a complaint, a criminal case vide Kotwali Police Station Case No. 108/09 dated 15th February, 2009 under Section 302 and Section 120B of the Indian Penal Code was initiated which ended in his conviction. It has been stated that during the pendency of the criminal proceeding, the applicant superannuated on 28th February, 2018. It has also been stated that the applicant has preferred an appeal before the Calcutta High Court. It is submitted by Mr.S.Dhar, learned advocate appearing on behalf of the applicant that since the applicant has superannuated and a representation was made for payment of retirement benefits by letter dated 20th June, 2021 before the Secretary, Department of WCD & SW, Government of West Bengal, the respondent no. 1 and the Director of I.C.D.S., Government of West Bengal, the respondent no. 3, appropriate order may be passed.

Mr.S.N.Ray, learned advocate appearing on behalf of the State respondents submits that since the applicant has been convicted, he is not entitled to the benefits as prayed for. However, if directed, the representation dated 20th June, 2021 will be considered.

Having heard the learned advocates for the parties and considering the

ORDER SHEET

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facts and circumstances of the case, the application is disposed of by directing the Secretary, Department of Women and Child Development and Social Welfare, Kolkata, the respondent no. 1 to dispose of the representation dated 20th June, 2021, by passing a reasoned order to be communicated to the applicant within eight weeks from the date of obtaining a copy of this order downloaded from the website of the Tribunal, after verifying the records and after considering the service rules.

(SOUMITRA PAL)
CHAIRMAN

BLR