

**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 763 of 2023**

**Abani Mohan Majumder - Vs - The State of West Bengal & Ors.**

Serial No. and  
Date of order

02  
05.03.2024

For the Applicant : Mr. Sourav Bhattacharjee,  
Learned Advocate.

For the State Respondents  
(District Magistrate,  
Dakshin Dinajpur) Mr. G.P. Banerjee,  
Learned Advocate.

For the State Respondent -I Ms. R. Sarkar,  
Departmental Representative.

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.

The applicant has prayed for a direction to the respondent authorities to pay him interest @ 8% p.a. for having delayed payment of pension during the period from 01.06.2013 to 18.06.2022 amounting to Rs. 16,72,867/-. It appears that the applicant was involved in a criminal case from which he was acquitted on 16.01.2019. The applicant had superannuated earlier on 31.05.2013. Though, being acquitted on 16.01.2019, and such was communicated to the respondents, however, the respondents took three years for releasing of his pension. Therefore, the demand of such interest from 16.01.2019 to July, 2022 arises. -Mr. Bhattacharjee has submitted that the applicant has furnished a representation asking for such delayed payment of interest by a letter dated 16.10.2023.

Responding on behalf of the Department, Ms. Sarkar, departmental representative, however, disagrees with such claim and

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submits that the applicant has filed this application in the Tribunal without having all his remedies exhausted. Submission is that such a representation was filed on 16.10.2023 and unless within six months such representation is not considered, prayers in this application is not admissible at present.

In the observation of this Tribunal since this matter involved various points of law, it would be appropriate if this matter be placed and heard by a Bench comprising two Members (Judicial & Administrative). The Tribunal also finds that there is no role for the Principal Accountant General (A&E) in this matter. Therefore, the name of Principal Accountant General (A&E) is expunged from the array of respondents.

Let the matter be placed and heard by a Bench comprising two Members (Judicial & Administrative) on **10.12.2024**.

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

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