

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Mrs. Urmita Datta (Sen), Officiating Chairperson and Member (J).

Case No. OA – 776 of 2019

Bindu Kumar Naskar - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. For the Applicant : Mr. S.S. Mandal,
and Advocate

Date of order

13

09.09.2022

For the State Respondents : Mr. G.P. Banerjee,
Advocate

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 536 – WBAT / 2J-15/2016 dated 26th August, 2022 issued in exercise of the powers conferred under Section 5(6) of the Administrative Tribunals Act, 1985.

The instant application has been filed praying for following reliefs:

“a) An order directing the respondents to rescind, revoke, cancel and/or quash the office order dated 01-07-2019 issued by the respondent No. 3 and office order dated 15-07-2019 issued by the respondent No. 5.

b) An order directing the respondents to issue the pension payment order to the applicant and further directing the respondents to release monthly pension including arrears, death cum retiring gratuity and other retirement benefits to the applicant along with interest @ 18% per annum accrued thereon forthwith.

c) An order directing the respondents to produce the cause papers relating to this case at the hearing so that the conscionable justice may be administered therein;

d) An to pass such other or further order or orders as this Hon'ble Tribunal may deem fit and proper.”

As per the applicant, one disciplinary proceeding was initiated on

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09.11.2016. However, before concluding the said disciplinary proceeding, the respondents had imposed penalty vide Memo dated 01.07.2019 (Annexure 'F') as well as 15.07.2019. Being aggrieved with, he has filed the instant application.

During the course of the hearing, the counsel for the respondent has referred one Memo dated 23.09.2021 and has submitted that disciplinary proceeding dated 09.11.2016 has been dropped. Therefore, the penalty imposed vide Memo. dated 01.07.2019 and 15.07.2019 has become infructuous. Therefore, the counsel for the respondent has prayed that the O.A. may be disposed of accordingly.

In view of the above, the copy of the order dated 23.09.2021 be kept on record. As the disciplinary proceeding has already been dropped, therefore, Orders dated 01.07.2019 and 15.07.2019 became infructuous. In view of the said fact, the O.A. is disposed of and the counsel for the applicant has further submitted that though in the interim, the applicant retired on 30.06.2018. The counsel for the applicant has submitted that though his disciplinary proceedings has already been dropped vide Order dated 23.09.2021, however, till date, he has not been paid full pension, DCRG and GISS. Therefore, he has prayed for direction to make payment of the above mentioned amount as well as 18% interest from the date of his retirement.

The counsel for the respondent has raised objection to the interest part. As per him, he is entitled from the date of his exoneration.

Heard the parties and perused the records. It is noted that the disciplinary proceeding was dropped by Order dated 23.09.2021 and till date as per the applicant, he has not been paid the full pension, DCRG and GISS. Therefore, the

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respondents are directed to make payment of his full pension, DCRG and GISS, if not paid, along with interest of 6% from date of passing of the order of withdrawal of the disciplinary proceeding i.e. from 24.09.2021 till the date of disbursement. Accordingly, the O.A. is disposed of with no order as to costs.

URMITA DATTA (SEN)
Officiating Chairperson and Member (J)

A.K.P.