

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 795 of 2023.

AMINA BEGUM AND OTHERS - VERSUS- THE STATE OF WEST BENGAL & ORS.

Serial No. and
Date of order

02
24.07.2024

For the Applicants	: Mr. G.P. Banerjee, Mrs. S. Agarwal, Advocates.
For the State Respondents	: Ms. R. Sarkar, Mr. S. Debroy, Mrs. A. Bhattacharya, Departmental representatives,
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.

The prayer in this application is for a direction to the Respondent authority to pay statutory interest upon delayed payment of Rs. 16,05,450/-. The prayer also relates to payment of balance GPF amount.

By filing a representation before the Respondent authorities on 18.09.2023, the applicant has explained that the said amount of Rs. 16,05,450/- was credited to her account much later than required. Mr. Banerjee counsel for applicant contests that P.P.O. was issued only on 16.01.2023, much after the superannuation of her deceased husband on 30.04.2009. Had the Tribunal not intervened in her application, the Respondent authorities would not have released these benefits to her.

As it appears from the submissions, such interest is being claimed from 01.05.2009, from the next day the deceased employee superannuated. Submission is that from 01.05.2009 till his death on 11.04.2016, the deceased employee was not given any pension and other retiral benefits. After the death of her husband, P.P.O for family pension was issued only on 16.01.2023. Thereafter, she received all her admissible benefits including the G.P.F. Submission is that due to

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latches on part of the Respondents for not issuing and paying the pension on time, claim for interest thereto is legitimate.

After hearing the submissions and on perusal of the records, the Tribunal has observed the following :-

In the earlier round of litigation, the prayer of the applicant in OA 532 of 2022 for release of pension along with arrears was disposed of by this Tribunal by an order dated 19.12.2022. While hearing the matter, the Tribunal was made aware that the pension and other retiral benefits were being processed by the Office of Respondent authorities and it was assured that within a short time, these will be released to the applicant. Soon thereafter, a total of sum of Rs. 16.05,450/- was released to the applicant as retiral benefits from the retirement and death of deceased employee, Debiruddin Ahamed during the period from 10.02.2023 to 27.06.2023. A month ago on 16.01.2023, the applicant had received her P.P.O. for family pension. The Tribunal is of the opinion that the earlier application seeking a direction to release for pension and other retiral benefits with arrears was disposed of and in due course of time, during the months of February to June, 2023, her death -cum -retiral benefits were released. The Tribunal does not find any delay in releasing such payment to the applicant from the date the Tribunal disposed of OA 532 of 2022. Such claim for payment of interest on account of delayed payment would have been admissible and legitimate, if despite direction of the Tribunal, the Respondent authorities had delayed payment of these benefits to the applicant. In this case, it is very apparent that after disposal of OA 532 of 2022 on 19.12.2022, all her benefits were released to her within a span of six months. The Tribunal is not satisfied with the contention that any delay had occurred due to latches on part of the Respondent authorities.

The Tribunal also observes that nowhere in her application she has presented a valid ground to support her contention that there were wilful latches on part of the Respondents in not releasing these benefits to her. She has expressed her poor economic condition and “granting all legal entitlements at a very belated stage” but has not explained which are those periods she considers as the belated stage. As

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stated in the earlier paragraphs, the Tribunal is satisfied that after the conclusion of the OA 532 of 2022, all her benefits were released to her within admissible time and thus not satisfied with the prayers that there was delay on part of the Respondent authorities. The application is disposed of without passing any order.

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

HS/Skg.

WEST BENGAL ADMINISTRATIVE TRIBUNAL