

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- 821 of 2022

Serial No. and Date of order	DR. ANIL KUMAR GUPTA For the Applicant	<u>Vs</u> : Mr. Anil Kumar Gupta (appears in person)	The State of West Bengal & Ors.
<u>11</u> 31.01.2025	For the Respondents	: Mr. Soumendra Narayan Ray, Advocate	
	For the Principal Accountant General (A&E), West Bengal	: Mr. Biswanath 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.

Since the Superintendent, Raghunathpur SD/SS Hospital, Purulia has not been made a respondent in this application, liberty is given to the applicant's side to add him as the respondent No.5.

The prayer in this application is for releasing the pension and other retirement benefits to the applicant. The applicant superannuated at the age of 65 years on 31.03.2022 holding the post of Medical Officer under the Health and Family Welfare Department. Since such pension and retirement benefits were not sanctioned in his favour, the applicant had furnished a representation before the State respondents.

Submission is that despite having no disciplinary proceedings or any other issue, which would have inhibited the respondents from sanctioning such a pension, however, till date neither such benefit has been accorded, nor his representations answered. Therefore, he prays for a direction to the respondent authorities to accord sanction to his pension as well as other retiral benefits. Dr. Gupta prays a suitable direction to the respondent authorities for release of his pension since it is not only his fundamental right, but due to deprivation of his

rightful pension he is under severe financial stress.

Appearing on behalf of the respondent authorities, Mr. S.N. Ray submits that there is no intentional lacuna or latches on part of the respondent authorities for not sanctioning his pension.

In terms of the direction of this Tribunal, the respondent authority has filed a reply. A close reading of the reply makes the Tribunal understand that the issue of regularisation of unauthorised absence has been resolved. As regards the sanction of pension, the pension sanctioning authority had earlier submitted a proposal to the Principal Accountant General which was returned back by a memo dated 14th October, 2022 advising clarification to few points. At the point No.3 clarification wanted to know whether there was any vigilance case / court case / departmental or criminal proceedings pending against him.

From the submissions and records it has been made clear that neither any criminal case nor any disciplinary proceedings are pending against the applicant. However, he was asked to furnish Asset Declaration statement pertaining to last three years which are required for the purpose of vigilance clearance. The Superintendent, Raghunathpur SD/SS Hospital, Purulia by his correspondence dated 06.01.2023 had asked Dr. Anil Kumar Gupta for submission of asset declaration for the last three years in service period. It also appears from other correspondences, in particular, a correspondence from the Superintendent, Raghunathpur SD/SS Hospital, Purulia to the Chief Medical Officer of Health, Purulia dated 12.02.2024 that as understood by him the Department of Health and Family Welfare were not able to clear his vigilance report due to non-submission of the three years Asset Declaration Statement. It was made known to Dr. Gupta that the Asset Declaration Statement for the last three years of his service are required to be furnished by him which will facilitate the process of clearing him from the vigilance angle.

After hearing the submissions and considering the facts and circumstances of the case, this application is disposed of by directing the applicant to furnish

within one month from today the Asset Declaration Statement for the last three years of his service before the respondent No.5, the Superintendent, Raghunathpur SD/SS Hospital, Purulia. Upon receipt of the asset declaration statement from the applicant, the added respondent No.5, the Superintendent shall submit a proposal with these documents to the respondent No.2, the Director of Health Services within three weeks from the date of submission of this statement by the applicant. The respondent No.2, the Director of Health Services shall initiate suitable action upon receipt of these statements from the Superintendent for processing his vigilance clearance within three weeks from the date of submission by the Superintendent. The respondent No.5, the Superintendent, Raghunathpur SD/SS Hospital, Purulia shall process his pension proposal once such vigilance clearance has been accorded in favour of the applicant within four weeks from the day he receives the vigilance clearance. While submitting such a proposal to the Principal Accountant General, he shall also comply with all the three points raised by the Principal Accountant General in its memo dated 14th October, 2022 addressed by him.

With this direction, the application is disposed of,

Let a copy of this order along with all relevant documents be served to the respondent No.5 by the applicant.

(SAYEED AHMED BABA)
OFFICIATING CHAIRPERSON
and MEMBER (A)

SCN.