

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson & Member (A)

Case No. – OA 832 of 2022

Sri Anup Kumar Mukhopadhyay -- **VERSUS** – The State of West Bengal & Ors.

Serial No. and Date of order	For the Applicant	: Mr. R. Halder, Mr. N.K. Singh, Ld. Advocates.
<u>02</u> 08.02.2023	For the State respondent Nos. 1,4,5,6 & 7	: Ms. R. Sarkar, Mr. S. Debroy, Mr. R. Bag, Mrs. A. Bhattacharya, Depttl. Reps.
	For the Pr. AG (A&E) WB	: Mr. B. Mitra, Depttl. Rep.

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.

Affidavit of service filed be kept on record.

The prayer in this application is for a direction to the respondent authorities to release the applicant's pension after he superannuated on 31.03.2017. Submission is that despite clear direction from the department to the DLR & S dated 18.08.2018, the pension has not been disbursed till now. The correspondence above also states that the shortfall of 4 (four) months and 8 (eight) days has already been condoned by the LRC and Principal Secretary, L & LR Department under Rule 36 of the West Bengal Services (Death-cum-Retirement Benefits) Rules, 1971. Mr. Halder also relies on WPST 81 of 2014 which according to him was upheld by the Hon'ble Apex Court.

Ms. R. Sarkar, Departmental Representative appearing on behalf of the Department explains that the proposal was submitted to the Principal Accountant General (A&E) West Bengal on 21.12.2018. However, certain remarks were made by the Principal Accountant General (A&E) West Bengal, particularly that such proposal should have been forwarded through the Finance Department, Government of West Bengal. It appears from the submissions of the department that the proposal which was submitted to the

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Finance Department was not agreed to on some grounds. Since none has appeared on behalf of the Finance Department, the reason why the proposal was not approved is not known today.

Learned counsel for the applicant submits that notices have been served upon the Principal Secretary, Finance Department, Government of West Bengal who is the Respondent No. 2 in this application.

The matter is admitted.

Since in absence of Finance Department, this matter cannot proceed further, let the matter appear under the heading "**Hearing**" on **11.05.2023**.

SAYEED AHMED BABA
Officiating Chairperson & Member (A)

CSM