

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 833 of 2023.

SRI UTTAM KUMAR CHATTERJEE - VERSUS- THE STATE OF WEST BENGAL & ORS.

Serial No. and
Date of order

03
02.09.2024

For the Applicant	: Mr. M.N. Roy, Advocate.
For the State Respondents	: Mr. S. Ghosh, Advocate.
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.

By filing this application, the applicant has prayed for a direction to the Respondent authorities to process his pension papers with gratuity. The applicant had retired on 31.12.2015, but due to pendency of a criminal case against him, the Respondent authorities did not process his pension papers. Later by an order of the Hon'ble High Court in CRR 4123 of 2012 judgement dated 13th September, 2022 the entire criminal proceedings pending at the Learned Additional Chief Judicial Magistrate's court, Kalyani, Nadia was quashed and set aside. With copy of this judgement, the applicant approached the Director of Fisheries praying for release of his pension and other retiral benefits. The Director in his reasoned order dated 18.4.2023, being satisfied, directed the Deputy Director of Fisheries, FFRTC, Kulia, Kalyani, Nadia "*.....to complete the total process of filing the pension matter and to submit the same before the Accountant General(WB) within 30 days of passing the order...*". Submission of Mr. Roy is that despite lapse of more than a year and despite such clear and specific direction, the applicant has not been granted his pension and other retiral benefits.

In response to such claim of Mr. Roy, Mr. Ghosh, learned counsel for the State respondents and Mr. B. Mitra, learned departmental representative presented a

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copy of the Principal Accountant General's letter addressed to the DDF, FFRTC on 30.5.2024. The letter seeks clarification whether the criminal proceedings has been concluded with acquittal of the applicant or not? Mr. Roy argues that the question of acquittal does not arise in view of the fact that the Hon'ble High Court had set aside the entire criminal proceedings. It appears the respondent- Deputy Director of Fisheries is yet to respond to the letter of the Principal Accountant General (A&E) W.B. and clarify the facts.

With the above background, the Tribunal dispose of this application by directing the respondent no. 3 – The Deputy Director of Fisheries (Research and Training (FFRTC) Kulia, Kalyani to clarify to the Principal Accountant General(A & E) W.B. the point raised in its letter dated 30.5.2024 and process the pension papers accordingly within a period of 45 days from the date of communication of this order.

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

Sk.