

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Sayeed Ahmed Baba, Administrative Member.

Case No. –OA-889 of 2021

Sri Sajal Kumar Sau. - Versus - The State of West Bengal & Others.

Serial No. and Date of order	For the Applicant	: Mr. N. Chatterjee, Advocate.
<u>04</u> 22.06.2022.	For the Respondent No. 2(ii)	: Mrs. S. Agarwal, Advocate.
	For the Respondent Nos. 2(i), (iii), (iv) and (v)	: Mr. S. Debray, Departmental Representative.
	For the Principal Accountant General (A&E), West Bengal.	: Mr. B. Mitra, Departmental Representative.

In this application, Sajal Kumar Sau – the applicant, was a L.D. Clerk in the office of B.L & L.R.O., Bagnan and later promoted as U.D.C. As per the application, on 8th October, 2013, the Sub-Divisional Land & Land Reforms Officer, Uluberia, Howrah – the respondent no. 2(iv) issued a letter upon the applicant which stated that “imbalance between income and expenditure” was discovered and an enquiry was being conducted. Although the applicant retired on 30.06.2015 from the post of U.D.C. but he till now did not receive any pension or retiral benefits. The applicant prays for disbursal of his pension and retiral benefits.

It also appears from the letter submitted by the office of the Principal Accountant General (A&E), West Bengal that the applicant was earlier sanctioned one year provisional pension. Subsequently, for sanction of further provisional pension, the office of Principal Accountant General (A&E), West Bengal has intimated the District Magistrate, Howrah that as per Rule, the disciplinary or departmental proceedings, if any, against the applicant has to be concluded first. The copy of the letter be kept on record.

Further, it appears from the records as well as from the statements of the learned advocates that due to non-clearance of vigilance, the processing of pension has not yet been completed.

Learned advocate for the respondent nos. 2(i), (iii), (iv) and (v) submits that the District Magistrate, Howrah has asked for a re-enquiry which is pending with the Sub-Divisional Land & Land Reforms Officer, Uluberia, Howrah – the respondent no. 2(iv).

After hearing both the sides and perusing the records, it appears although the applicant retired in the year 2015 but due to reasons which are not very satisfactory not submission of any document which establishes any charge of misconduct, his pension papers have not yet been submitted to the office of Principal Accountant General (A&E), West Bengal. Although, an enquiry was made earlier and report submitted by the Sub-Divisional Land & Land Reforms Officer, Uluberia, Howrah to A.D.M and D.L. & L.R.O., Howrah, but there does not appear to be any proceedings drawn against the applicant. The Respondents cannot deny / delay his right for getting his pension and other benefits.

Rule 10(1)(b)(ii) of DCRB Rule, 1971 says as follows :-

“10. (1) (b) Such departmental proceedings, if not instituted while the office was in service, whether before his retirement or during his re-employment—

(i) shall not be instituted save with the sanction of the Governor;

(ii) shall not be in respect of any event which took place more

than [four years] before such institution; and

(iii) shall be conducted by such authority and in such place as the Governor may direct and in accordance with the procedure applicable to departmental proceedings in which an order of dismissal from service could be made in relation to the officer during his service;"

In view of the aforesaid provision, after reflex of the period of four years from the date of retirement of the applicant herein, admittedly, no Departmental Proceeding had been initiated. Therefore, mere re-enquiry or anything has no foundation in the eyes of law. Accordingly, whatever the re-enquiry is pending is hereby quashed and the respondent no. 2(iv) - the Sub-Divisional Land & Land Reforms Officer, Uluberia, Howrah is directed to submit his pension papers to the office of the Principal Accountant General (A&E), West Bengal within a period of six weeks with an intimation to the applicant.

The application is disposed of.

(SAYEED AHMED BABA)
MEMBER(A)

S.M.