

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 423 of 2022

Dr. Asok Kumar Maity - Versus - The State of West Bengal & Others.

Serial No. and Date of order	For the Applicant	: Mr. A. Maiti, Mr. S. Bhattacharjee, Advocates.
<u>07</u> 20.09.2023.	For the State Respondents	: Mr. S. Ghosh, Advocate.
	For the Principal Accountant General (A&E), West Bengal	: 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.

On consent of the learned counsels for the contesting parties, the case is taken up for consideration sitting singly.

The applicant has prayed for setting aside the Pension Payment Order (PPO) dated 30.07.2021 by which his date of retirement was fixed as 01.04.2012. From the submissions of the learned counsels and the records, it appears that an application for voluntary retirement was submitted by the applicant before the respondent authority on 02.12.2011, giving three months notice and effective from 31.03.2012. The application was considered but not accepted in the "larger public interest" by an order of the respondent authority dated 01.02.2013. Dissatisfied with rejection of his application for voluntary retirement, the applicant approached this Tribunal and the Tribunal by its order dated 02.02.2016 directed the respondent authority "to accept the prayer of voluntary retirement of the applicant". In compliance to the Tribunal's direction, the respondent authority accepted his prayer for voluntary retirement on 12.04.2016 giving effect to it from 31.03.2012. The applicant had continued to work beyond 31.03.2012, till his application for voluntary was considered and accepted on 12.04.2016.

ORDER SHEET

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The respondent authority regularised this post-acceptance of voluntary retirement from 01.04.2012 to 02.06.2016 as re-employment by its order dated 25.04.2019. After completion of the process of sanctioning his pension papers, the office of Principal Accountant General (A&E), West Bengal issued his PPO on 30.07.2021 for his services rendered till 31.03.2012. Aggrieved by the acceptance of his voluntary retirement with effect from 31.03.2012 and not from 02.06.2016, the applicant filed this application in the Tribunal.

Part heard the submissions of the learned counsels.

Let this matter be listed under the heading "**Further Hearing**" on **18.04.2024**.

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

HS/SM