

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman.

& The Hon'ble Sayeed Ahmed Baba, Administrative Member.

Case No. –OA-176 of 2021.

Radhanath Majhi. - VERSUS – The State of West Bengal and Others.

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| Serial No. and Date of order | For the Applicant | : Mrs. S. Mitra, Advocate. |
| <u>04</u> 1.10.2021. | For the State Respondents | : Mrs. S. Agarwal, Advocate. |
| | For the Respondent No. 7 (Finance Department) | : Mr. B. P. Roy, Advocate. |
| | For the Principal Accountant General (A&E), West Bengal. | : Mr. B. Mitra, Departmental Representative. |

Let affidavit of service filed today be kept on record.

Though the matter has appeared under the heading “To Be Mentioned” it is submitted by Mrs. S. Mitra, learned advocate for the applicant since the matter relates to grant of pensionary benefits, the matter may be taken for hearing today to which Mrs. S. Agarwal, learned advocate for the State respondents does not oppose.

Pursuant to the order dated 19th April, 2021, the Principal Secretary, Department of Finance, Government of West Bengal was added as a party respondent and direction was issued upon the applicant to serve a copy of the application on the added respondent which has been served and affidavit of service is affirmed and filed on this day.

Since despite service of notice none appears on behalf of the Principal Secretary, Finance Department, Government of West Bengal, Mr. B. P. Roy, learned advocate, who normally appears on behalf of the State respondents, is requested to appear in this matter. Let a copy of the

application be served on him which is served and accepted. The Legal Remembrancer, West Bengal is directed to regularise the appointment of Mr. Roy.

In this application, Radhanath Majhi – the applicant has prayed for a direction upon the respondents to sanction pension papers of the applicant and to forward it to the Accountant General (A&E), West Bengal – the respondent no. 6 and for a direction upon the said respondent to release the pension along with interest and other terminal benefits. Prayer has also been made to sanction and release gratuity, leave encashment salary and other terminal benefits along with interest and to grant pension month by month.

It appears that the applicant had superannuated on 30th November, 2013 from the post of Agricultural Extension Officer at Jhalda Block, Purulia. The grievance of the applicant is though he is entitled to pension and other superannuation benefits it was not released. The applicant being aggrieved had moved an application, being O.A.-121 of 2017 : Radhanath Majhi-Vs-The State of West Bengal and Others, which was disposed of on 28th September, 2018 by passing an order, the relevant portion of which is as under :

“Having heard the learned advocates for the parties and considering the facts and circumstances of the case, this original application is disposed of by directing the Assistant Director of Agriculture (Administration), Sadar Sub-Division, Purulia, the respondent no.3 to dispose of issue regarding grant of superannuation benefits to the applicant within

ten weeks from the date of presentation of a copy of this order after giving an opportunity of hearing to his legal representative, after necessary enquiry and after verifying the records. The said respondent shall enquire whether the applicant has made proper application for grant of superannuation benefits in different heads in accordance with the law.”

Thereafter, as evident from the memo dated 30th October, 2018, the Assistant Director of Agriculture (Admn), Sadar Sub-Division, Purulia, made a request to the applicant for discussion regarding Service Book and other related matters. Subsequently, hearing was granted as evident from pages- 29 and 30 of the application, the relevant portion of which is as under:

“Now, as a pension sanctioning authority it is decided and informed to Sri Majhi that in future Sri Majhi will response to the instructions/letters of this office in relation to his pensionery benefits and this office will take necessary steps on priority basis to regularize his service book and leaves which is essential for submission of pension case to the A.G., W.B. at the earliest.

However Sri Majhi submitted the pension related papers on 27.11.2019 and we have started its processing with due importance as per order of Hon'ble WBAT, though the order of Hon'ble West

Bengal State Administrative Tribunal was passed on 28.09.2018 but we got it on 19.11.2019 along with the letter of Lt. Advocate Mr. Dilip Kumar Sadhu, High Court, Calcutta dated 14.11.2019.”

It appears subsequently by a written intimation dated 21st January, 2020, appearing at page-31 of the application, the Senior Accounts Officer/Legal Cell, pursuant to lawyer's notice, had intimated that a reference has been made to the pension sanctioning authority, that is, the Assistant Director of Agriculture (Admn), Purulia Sadar Sub-Division, Purulia, requesting him to forward the pension case of applicant in compliance with the order dated 28th September, 2018 passed by the Tribunal. We find from the intimation dated 14th January, 2020 issued by the Senior Accounts Officer/Pen.X addressed to the Assistant Director of Agriculture (Admn), Purulia Sadar Sub-Division, Purulia that though the applicant has submitted pension papers on 27th November, 2019 and a request was made to forward the pension papers to the office of the Accountant General (A&E), West Bengal, - the respondent no. 6, till date the pension papers are yet to be forwarded to the office of the respondent no. 6.

Mrs. S. Agarwal, learned advocate for the State respondents submits that the efforts are being made to expedite the clearance of the pension papers of the applicant.

Mr. B. P. Roy, learned advocate for the respondent no. 7 submits that the Finance Department shall make an endeavour to clear the pension papers at the earliest.

ORDER SHEET

Form No.

Radhanath Majhi.

Case No. **OA-176 of 2021.**

Vs.
The State of West Bengal and Others.

Having heard the learned advocates for the parties and considering the facts and circumstances of the case, the application is disposed of by directing the Assistant Director of Agriculture (Admn), Purulia Sadar Sub-Division, Purulia – the respondent no. 4 to forward the pension papers and papers for superannuation benefits of the applicant to the Principal Secretary, Finance Department, Government of West Bengal, - the respondent no. 7 within four weeks from the date of presentation of a copy of this order downloaded from the website of the Tribunal, if not already done. The Principal Secretary, Finance Department, Government of West Bengal, - the respondent no. 7, after receiving papers and after scrutinising the same within four weeks shall forward the papers to the Accountant General (A&E), West Bengal, - the respondent no. 6 who shall issue necessary orders for grant of pension and the superannuation benefits to the applicant on compliance of formalities within eight weeks after regularising unauthorised absence, if any, in accordance with law.

Since for circumstances beyond control, the Registry is unable to furnish plain copies of this order to the learned advocates for the parties, the Registry is directed to upload this order on the website of the Tribunal forthwith and parties are directed to act on the copies of the order downloaded from the website.

(SAYEED AHMED BABA)
MEMBER (A)

(SOUMITRA PAL)
CHAIRMAN

S.M.