

ORDER SHEET
WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

**The Hon'ble JUSTICE RANJIT KUMAR BAG
& The Hon'ble DR. SUBESH KUMAR DAS**

Case No –

Vs **The State of West Bengal & Ors.**

Serial No. and Date of order. 1	Order of the Tribunal with signature 2	Office action with date and dated signature of parties when necessary 3
<p style="text-align: center;"><u>21</u> 06.03.2019</p>	<p>Case No. CCP-46 of 2014 : Susanta Kumar Chakraborty Versus Shri H.K. Dwivedi, IAS, Principal Secretary, Finance Department, Government of West Bengal & Anr.</p> <p>For the Applicant : Shri Goutam Pathak Banerjee Shri Susanta Kumar Chakraborty Learned Advocates.</p> <p>For the Food Department : Shri Apurba Lal Basu Learned Advocate</p> <p>For the Finance Department : Mr. S.N. Ray, Mr. M.N. Roy, Learned Advocates.</p> <p>For the Principal Accountant: Mr. B. Mitra, General (A&E), West Bengal Deptt. Rept.</p> <p>Case No. CCP- 61 of 2014 : Snidgha Majumdar (Sengupta) Versus Shri H.K. Dwivedi, IAS, Principal Secretary, Finance Department, Government of West Bengal & Anr.</p> <p>For the Applicant : Shri Goutam Pathak Banerjee Shri Susanta Kumar Chakraborty Learned Advocates.</p> <p>For the Food Department : Shri Apurba Lal Basu Learned Advocate</p> <p>For the Finance Department : Mr. S.N. Ray, Mr. M.N. Roy, Learned Advocates.</p>	

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Vs.

The State of West Bengal & Ors.

Case No. OA XX OF 20XX

For the Principal Accountant: Mr. B. Mitra,
General (A&E), West Bengal Deptt. Rept.

**Case No. CCP- 62 of 2014 : Joydev Kumar Sarkar & Ors.
Versus Shri H.K. Dwivedi, IAS, Principal Secretary,
Finance Department, Government of West Bengal &
Anr.**

For the Applicant : Shri Goutam Pathak Banerjee
Shri Susanta Kumar Chakraborty
Learned Advocates.

For the Food Department : Shri Apurba Lal Basu
Learned Advocate

For the Finance Department : Mr. S.N. Ray,
Mr. M.N. Roy,
Learned Advocates.

For the Principal Accountant: Mr. B. Mitra,
General (A&E), West Bengal Deptt. Rept.

**Case No. CCP- 63 of 2014 : Pravat Bhattacharyya & Ors.
Versus Shri H.K. Dwivedi, IAS, Principal Secretary,
Finance Department, Government of West Bengal &
Anr.**

For the Applicant : Shri Goutam Pathak Banerjee
Shri Susanta Kumar Chakraborty
Learned Advocates.

For the Food Department : Shri Apurba Lal Basu
Learned Advocate

For the Finance Department : Mr. S.N. Ray,
Mr. M.N. Roy,
Learned Advocates.

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The State of West Bengal & Ors.

Case No. OA XX OF 20XX

For the Principal Accountant: Mr. B. Mitra,
General (A&E), West Bengal Deptt. Rept.

**Case No. CCP- 64 of 2014 : Ranajit Chandra Bardhan &
Ors. Versus Shri H.K. Dwivedi, IAS, Principal Secretary,
Finance Department, Government of West Bengal &
Anr.**

For the Applicant : Shri Goutam Pathak Banerjee
Shri Susanta Kumar Chakraborty
Learned Advocates.

For the Food Department : Shri Apurba Lal Basu
Learned Advocate

For the Finance Department : Mr. S.N. Ray,
Mr. M.N. Roy,
Learned Advocates.

For the Principal Accountant: Mr. B. Mitra,
General (A&E), West Bengal Deptt. Rept.

*Report submitted on behalf of the respondent A.G.,
W.B. on this date is kept on record.*

*It appears from the said report that A.G., W.B. has
already issued necessary order for revision of pension of
the applicants except, Sufiar Rahaman, Gobinda Pada
Das, Binoy Bhushan Talukdar and Nemai Chandra Roy of
OA 1243 of 2013 and the deceased Ranajit Roy
Chowdhury of OA 1433 of 2012 whose revised pension
papers have not been received from the concerned*

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department.

It appears from the judgment and order passed by the Special Bench of the Tribunal in OA 722 of 2012 and other connected original applications that on June 21, 2013 the Tribunal gave direction to the Principal Secretary to the Government, Department of Finance to issue appropriate order in terms of the decision and directions contend in paragraph 16, 17 and 18 of the said judgment. Mr. G.P. Banerjee, Learned Counsel appearing on behalf the applicants fairly submits that the Principal Secretary to the Government of West Bengal, Department of Finance has already issued necessary order in compliance with the direction given by the Tribunal on June 21, 2013 in OA 722 of 2012 and other connected original applications. It also appears from the order no. 1987-FS/FS/O/Sectt./DP/4M-02/17 Pt.1 dated July 25, 2018 issued by the Principal Secretary to the Government of West Bengal, Department of Food & Supplies that the said department has also issued necessary order in terms of the order issued by the Finance Department for payment of revised pension and other retiral benefits in favour of the applicants. We have already observed that the respondent A.G., W.B. has pointed out by submitting report on this date that revised pension orders have already been issued in favour of the applicants, except 5 (five) applicants whose names have

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already been disclosed in paragraph 2 of this order.

With the above factual matrix, Mr. G.P. Banerjee, Learned Counsel for the applicants submits that the applicants have not yet received the amount of revised pension as directed by the Tribunal. Naturally, the issue for consideration of the Tribunal is whether the contemnor can be held liable for not receiving actual amount of revised pension by the applicants till date.

Having heard Learned Counsel representing all the parties and the departmental representative of the respondent A.G., W.B., we find that the Principal Secretary to the Government of West Bengal, Department of Finance has issued order in terms of the direction given by the Tribunal for issuance of the order of revised pension in favour of the applicants. The concerned department viz, the department of Food & Supplies, Government has also issued necessary order for release of revised pension in favour of the applicants in terms of the order issued by the Finance Department, Government of West Bengal. In our view the respondents/contemnors cannot be held liable for wilful violation of the order passed by the Tribunal only because the amount of revised pension has not yet been deposited in the bank account of the applicants. The issue of disbursement of the actual amount of revised pension in the Bank Account of the respective applicants in terms of the revised pension order

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issued A.G., W.B. is beyond the scope and ambit of the direction given by the Tribunal for whose violation the present contempt applications were filed by the applicants. However, we hope and trust that the department of Food and Supplies, Government of West Bengal will sincerely ensure submission of revised pension papers of 5 (five) applicants whose names are disclosed in paragraph 2 of the order before respondent A.G., W.B. within a period of 6 (six) weeks from the date of communication of the order, if not, already forwarded to the respondent A.G., W.B.. Similarly, we hope and trust that the respondent A.G., W.B. will issue revised pension order in respect of the 5 (five) applicants whose names are mentioned in paragraph 2 of the order within a period of 4 (four) weeks from the date of receiving revised pension papers from the concerned department.

With the above direction all the contempt applications stand disposed of.

Let a plain copy of the order be supplied to all the parties.

(S.K.DAS)
Member (A)

(R.K.BAG)
Member (J)

H.S