

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

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

Case No – CCP 76 OF 2017 (OA-1126 of 2015)

Shibani Pal & Others Vs Shri Manoj Pant, Secretary, Land and Land Reforms and Refugee Relief and Rehabilitation.

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;">14</p> <hr/> <p style="text-align: center;">28.02.2019</p>	<p><i>For the Applicants : Mr. S. Ghosh, Mr. R.K. Mondal, Learned Advocates.</i></p> <p><i>For the Contemnor/O.P. : Mr. G.P. Banerjee, Learned Advocate. Mr. S. Bhattacharya, Departmental Representative.</i></p> <p style="text-align: center;"><i>The applicants have prayed for issuance of contempt rule against the contemnors for wilful violation of order dated September 28, 2016 passed by this Tribunal in OA No. 1126 of 2015.</i></p> <p style="text-align: center;"><i>It appears from the order dated September 28, 2016 passed in OA 1126 of 2015 that this Tribunal gave direction to the Sub-Divisional Land & Land Reforms Officer, Purba Bardwan (Sadar) to take necessary steps for disbursement of family pension and other retiral benefits of Late Benoy Kumar Pal namely arrears of pension, gratuity, leave salary, commuted value of pension, Group Insurance and General Provident Fund. The compliance report submitted by the contemnor, Sub-Divisional Land & Land Reforms Officer, Purba Bardwan prior to August 09, 2018 was not found to be satisfactory by this Bench. Accordingly, on August 09, 2018, the said contemnor was directed to sanction family pension in</i></p>	

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<p><i>favour of the applicant Shibani Pal and for disbursement of balance amount of General Provident Fund, Life Time Arrears of pension, amount of Gratuity, amount of Leave Encashment and amount of Group Insurance, if not already released.</i></p> <p><i>The compliance report submitted by the contemnor on December 18, 2018 clearly indicates that family pension was sanctioned in favour of the applicant Shibani Pal. The said compliance report has further pointed out that the contemnor has already issued order for release of balance amount of General Provident Fund, Life Time Arrears of pension, Gratuity, Leave salary and the amount of Group Insurance. The applicants have also disclosed in the affidavit filed before the Bench on February 08, 2019 that they have received the amount of Group Insurance, amount of General Provident Fund, amount of Leave Salary, Life Time Arrears of Pension and the retiring gratuity. The report submitted by the contemnor, A.G., W.B. has specifically pointed out that PPO for family pension of Shibani Pal was issued on March 24, 2017. The said report further indicates that Life Time Arrears of pension @ Rs. 1,060/- p.m. has been sanctioned during the period from August 22, 1993 till July 05, 2013 i.e. the date of death of the concerned employee. The report further indicates that the Life Time</i></p>	
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Arrears of pension has already been sanctioned w.e.f. May 22, 1993. The prayer of the applicants with regard to non-compliance of the order of the Tribunal by the contemnors with regard to non-payment of life time arrears of pension and arrears of salary of the deceased employee for 19 months and revision of family pension are beyond the scope and ambit of the contempt application, as the applicants are not entitled to the said relief in terms of the original order passed by the Tribunal for whose violation the contempt application has been filed.

In view of our above observation, we are constrained to hold that the contemnors have complied with the direction given by this Tribunal. Accordingly, the contempt application stands disposed of.

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

(S.K.DAS)
Member (A)

(R.K.BAG)
Member (J)

H.S

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