

ORDER SHEET**WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-**

The Hon'ble Mrs. Urmita Datta (Sen)
& The Hon'ble Dr. Anup Kumar Chanda.

Case No – CCP-206 of 2016.

Ashoke Kumar Banerjee. –Vs- The Land & Land Reforms Officer, Hooghly,
Government of West Bengal.

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>06</u> 13.04.2018</p>	<p>For the Applicant : Mr. Jayanta Dey, Advocate.</p> <p>For the Contemnor O.P. : Mr. Shiladitya Bhattacharya, Mr. Aniruddha De, (Departmental Representatives). (Land & Land Reforms Department).</p> <p>The instant contempt petition has been filed against the non-compliance of the order dated 22.02.2016 passed in O.A.-602 of 2014, whereby the following direction was given :</p> <p style="text-align: center;">“In the facts and circumstances above, we dispose of this application, in terms of the order of the Hon'ble Court with a direction on the applicant to file an application before the authority concerned praying for interim allowance in accordance with Rules and also pray for refund of G.P.F. amount lying in his credit and G.I.S.S. money on the ground that he has already attended the age of superannuation. The application</p>	

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	<p>should be filed within four weeks hence. On receiving the said application/applications, the authority concerned, in particular Respondent Nos.-3 and 4 shall, take a decision by passing a reasoned order in accordance with law/rules within a period of four weeks and communicate the decision to the applicant within two weeks thereafter.</p> <p>In this Original application, the applicant has not prayed for any relief challenging the final order of dismissal from service and the order of the Appellate Authority upholding the order of dismissal. He has only prayed for issuing direction on the Respondents Authority to review the dismissal order in view of the fact that criminal court has acquitted the applicant from the</p>	

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	<p>charges.</p> <p>It is admitted position that in course of this application, an appeal has been preferred by the State Respondents challenging the judgement of the criminal court whereby the applicant has been acquitted.</p> <p>Since appeal is continuation of the proceeding, we just cannot say that the criminal proceeding has come to an end and department has to review his decision whereby the applicant has been dismissed.</p> <p>In the facts above, we do not find any reason to keep this matter alive for uncertain period. The matter goes out of list with liberty to mention.”</p> <p>According to the applicant, as per direction of the</p>	

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	<p>court, he filed an application dated 08.03.2016 (Annexure-B) and subsequently, the respondents had requested him to appear before the authority with all supporting documents in support of his claim vide their letter dated 01.04.2016 (Annexure-C).</p> <p>However, according to the applicant though specific time limit was mentioned in the order sheet for disbursement of retiral dues but no steps have been taken by the respondents. Being aggrieved he has filed the instant contempt application.</p> <p>However, the Departmental Representatives appearing for the contemnors / respondents has submitted that they have already paid G.P.F. and G.I.S.S. amount.</p> <p>We have heard the parties and perused the records. It is noted that in our order dated 22.02.2016 we have only directed first the applicant to file an application before the authority concerned praying for interim allowance in accordance with rule and also prayed for refund of GPF amount lying with his GPF account as well as GISS amount before the authority. However, from the perusal of the application dated 08.03.2016, it is noted that the applicant had prayed for</p>	

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	<p>following :</p> <p style="text-align: center;">“It is respectfully stated that on completion of 60 years of age, I retired from the said service on 31-12-2005(A.N.) as per rule and as I have not yet received the retirement benefit from you, I moved an application before the Hon’ble West Bengal Administrative Tribunal, being O.A. No. 602 of 2014 (SAT). and in pursuance of the solemn direction by order dated 22-02-2016, I am submitting my claim towards the payment of all retirement benefits including outstanding dues of all salary, Provident Fund etc. w.e.f. 01-01-2006 within the stipulated period, prescribed by the Hon’ble West Bengal Administrative Tribunal.”</p> <p>From perusal of the above, it is noted the applicant never prayed for interim allowance rather he had prayed for all retirement benefits including salary, P.F.</p>	

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	<p>etc. and admittedly, he has received the G.P.F. and G.I.S.S. amount after filing of this contempt petition. Moreover, in Paragraph-12 of the instant application the applicant has made a wrong averment, which is as follows :</p> <p style="text-align: center;">“Paragraph-12 : That it is pertinent to mention here that only issued notice of hearing is not sufficient to comply the order of the Ld. Tribunal where the specific time mention in the order sheet for disburse the retirement dues a tried person then it is the duty of the concerned authorities to take immediate steps in this regard.”</p> <p>From the above, it is crystal clear that the applicant himself has not complied with the order of this court rather tried to mislead the authority as well as the Tribunal as if he is entitled to get the entire retiral benefits as per direction of the Court though there was no such direction to this effect.</p> <p>Therefore, in our considered view, there is no question of any violation of the order and the contempt petitioner even tried to mislead the court by</p>	

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Sourav	<p>making wrong submission.</p> <p>Therefore, the contempt application is dismissed with a cost of Rs. 2,000/- (Two thousand rupees) for misleading the Court to be paid to the West Bengal State Legal Services Authority, City Civil Court Building 1st Floor 2 & 3, Kiron Sankar Roy Road, Kolkata - 700001 within a period of two weeks from the date of receipt of this Order.</p> <p>Proper receipt be deposited before the Registrar.</p> <p>DR. A. K. CHANDA MEMBER (A)</p> <p>URMITA DATTA (SEN) MEMBER (J)</p>	