

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

The Hon'ble Justice Soumitra Pal (Chairman)  
& The Hon'ble Mr. P. Ramesh Kumar (Administrative Member)

Case No – M.A. 109 of 2019 (O.A. 1257 of 2016)

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

| Serial No. and Date of order.<br>1 | Order of the Tribunal with signature<br>2   | Office action with date and dated signature of parties when necessary<br>3 |
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| <p>5</p> <hr/> <p>03.07.2019</p>   | <p>For the Applicant : Mr. G.P. Banerjee,<br/>Advocate</p> <p>For the Respondents : Mr. S.K. Mandal<br/>Advocate</p> <p>At the very outset it is submitted by Mr. G.P. Banerjee, learned advocate for the applicant, that since during the pendency of the original application, being O.A. 1257 of 2016, the applicant has superannuated, the miscellaneous application, being MA 109 of 2019 has been filed in connection with the original application, praying for release of retiral dues including pension, provident fund, gratuity, insurance amount amongst others under the Death-cum-Retirement Benefits Rules after taking into consideration of his 21 years of past service which the applicant has done against sanctioned Group “D” post.</p> <p>It is submitted by Mr. S.K. Mandal, learned advocate for the respondents that if the Miscellaneous Application is allowed, it will change the nature and character of the original application and hence, no order may be passed in the Miscellaneous Application.</p> |  |

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| SCN.                               | <p>In reply it is submitted on behalf of the applicant that he is not pressing the original application and the Miscellaneous Application and prays for leave to move afresh for release of retiral dues including pension, Provident Fund, gratuity, insurance amount amongst others under the Death-cum-Retirement Benefits Rules after taking into consideration of his 21 years past services which, according to law, the applicant has done against the sanctioned Group "D" post.</p> <p>In view of the submissions made by Mr. Banerjee since the applicant has retired and he does not press the original application and as it has rightly been submitted by Mr. Mandal that if the Miscellaneous Application is allowed, the nature and character of the original application is going to change, in view of the submission made on behalf of the applicant, the Original Application as well as the Miscellaneous Application are dismissed as withdrawn with liberty to the applicant to move afresh for release of retiral dues including pension, Provident Fund, gratuity, insurance amount amongst others under the Death-cum-Retirement Benefits Rules with proper pleadings annexing relevant documents.</p> <p>(P. Ramesh Kumar)<br/>MEMBER (A)</p> <p>(Soumitra Pal)<br/>CHAIRMAN</p> |  |