

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

The Hon'ble Urmita Datta (Sen) Member (J) &  
Hon'ble P. Ramesh Kumar, Member (A)

MA-52 of 2017 (OA-1447 of 2014)

Arabinda Mondal

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><u>08</u> 17.08.2018</p>	<p>For the applicant : Mr. Sankha Ghosh, Mr. Ranjit Kumar Mondal, Learned Advocates.</p> <p>For the respondent : None.</p> <p style="text-align: center;"><b><u>MA-52/2017</u></b></p> <p>None for the respondents. The instant MA-52 of 2017 was taken up on 10.04.2018 and was subsequently adjourned to 03.07.2018. However, from the perusal of the file, it transpires that the instant MA did not appear on 03.07.2018. However, it is appearing today along with OA-1447 of 2014.</p> <p>The instant MA has been filed praying for arrear 50 % subsistence allowance as well as further enhanced 75 % subsistence allowance. According to the applicant, he was suspended on 24.05.2006 and was granted 50 % subsistence allowance. Subsequently on 14.03.2017 his subsistence allowance was increased from 50% to 75 % w.e.f. from 18.08.2008. However, according to the applicant, neither the earlier 50 % subsistence allowance was paid nor the enhanced 75 % subsistence allowance has been paid to him. In the meantime he retired on</p>	

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<p>08 17.08.2018</p>	<p>28.02.2018. Therefore, the counsel for the applicant has prayed that the MA may be disposed of directing the respondents to make payment of his arrear subsistence allowance and also to take final decision with regard to his pending disciplinary proceeding as he is not getting any pensionary benefits for such pendency.</p> <p>None appeared for the respondents. It is noted that on the earlier occasion i.e. on 12.03.2018 the respondents were directed to take instruction or to file reply with regard to the status of payment of the subsistence allowance. However, neither the counsel for the respondent has appeared nor any reply has been filed in OA or MA. Therefore, respondents are directed to make payment of the arrear subsistence allowance, if not already paid to the applicant, within a period of four weeks from the date of receipt of this order.</p> <p>With regard to the OA, it is noted that the applicant has prayed for quashing of the suspension order as well as charge sheet dated 12.06.2013. However, as the applicant has already retired, the issue of quashing of charge sheet has become infructuous. As</p>	

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<p style="text-align: center;">08 ----- 17.08.2018</p> <p style="text-align: center;">sc</p>	<p>claimed by the applicant, he even did not get the arrears of the subsistence allowance during his suspension period as well as the retiral benefits due to the pendency of the Disciplinary Proceedings. Therefore, respondents are directed to take final decision with regard to the pending disciplinary proceeding and communicate the same within period of eight weeks from the date of receipt of this order. Accordingly, both the OA and MA is disposed of with the above observation. No order as to costs.</p> <p style="text-align: center;"><b>P. RAMESH KUMAR</b> <b>MEMBER (A)</b></p> <p style="text-align: center;"><b>URMITA DATTA (SEN)</b> <b>MEMBER (J)</b></p>	

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