

ORDER SHEET**WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-****The Hon'ble Mrs. Urmita Datta (Sen), Member(J)****The Hon'ble Mr. P. Ramesh Kumar, Member(A)****Case No – OA- -674 OF 2018****Mahadeb Chakraborty. Vs The State of West Bengal & Others.**

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>02</p> <hr/> <p>10/12/2018</p>	<p>For the Applicant : Mr. Biswanath Chakraborty, Mrs.Sunita Agarwal, Advocates.</p> <p>For the State Respondents: Mr. S.N. Roy, Advocate.</p> <p><i>The instant application has been filed praying for following relief:</i></p> <p>a) <i>An order directing the respondents and each of them to release and pay pension, gratuity, unutilized leave salary and other retiral benefits without further delay to the applicant.</i></p> <p>b) <i>An order directing the respondents to pay compound interest @ 15% per annum over the total unpaid amount of said retiral benefits for loss of his income.</i></p> <p>c) <i>An order be issued quashing and/or setting aside the impugned memo No.1842-FT/O/1E-03/2017 Ex dated 18th October, 2017 (annexure P-3 to the application) issued by the respondent no.2 being arbitrary, illegal and opposed to settled principles of law.</i></p> <p>d) <i>An order directing the respondents and each of them to transmit and certify all</i></p>	

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	<p><i>case records pertaining to this case before this Hon'ble Tribunal.</i></p> <p><i>e) Costs and incidentals.</i></p> <p><i>f) Any order and/or further orders as this Hon'ble Tribunal may deem fit and proper.</i></p> <p><i>During the course of hearing the counsel for the applicant has submitted that he was charge sheeted on 29th April 2014. However, as per the applicant, the enquiry process has already been completed. But, no final decision has been communicated to him. In the meantime, he retired on 31st October 2017. Till date he has not received any pensionary benefit even no provisional pension also. Being aggrieved with, he has filed the instant application.</i></p> <p><i>The counsel for the respondents have submitted that enquiry proceeding has already been completed. But, disciplinary proceeding has not been concluded as the decision has yet to be taken. However, he has submitted that the disbursement of provisional pension and group insurance will be released very soon.</i></p> <p><i>Heard the parties. During the course of hearing, the counsel for the applicant has fairly</i></p>	

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GM	<p><i>submitted that until and unless disciplinary proceeding would be completed the full pensionary benefit cannot be disbursed. Therefore, the Disciplinary Authority be directed to conclude the disciplinary proceeding in a stipulated period.</i></p> <p><i>In view of the above, the Disciplinary Authority i.e. Additional Chief Secretary, Respondent No.1 is directed to take final decision with regard to the disciplinary proceeding within a period of four (04) months from the date of receipt of the order and communicate the same to the applicant and take appropriate action as per the outcome of the disciplinary proceedings.</i></p> <p><i>However, we have made it clear that we have not observed anything on the merit of the disciplinary proceeding. Accordingly, OA is disposed of with the above observation and direction with no order as to cost.</i></p> <p>P. RAMESH KUMAR MEMBER(A)</p> <p>URMITA DATTA (SEN) MEMBER(J)</p>	