

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

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

Case No – OA- 996 OF 2018.

Alak Basu. 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>01</p> <hr/> <p>21/02/2019</p>	<p>For the Applicant : Mrs. Priyanka Mondal, Advocate.</p> <p>For the State Respondents: Mr. Abhijit Dutta, Mr. Aniruddha De, Departmental Representatives.</p> <p>For A.G. West Bengal: Mr. Biswanath Mitra, Departmental Representative.</p> <p>Affidavit of service filed today be kept on record. In this application the applicant, a state government employee, who had joined in 1989 and superannuated on 28<sup>th</sup> September 2018, has prayed for certain reliefs, the relevant portion of which is as under:-</p> <p>“6.1 An order be passed directing the respondents to issue the Pension Payment Order immediately and release pension and other retirement benefits of the applicant as early as possible so that the applicant can survive after his retirement;</p> <p>6.2 An order be passed directing the respondent No.3 to furnish the Vigilance Clearance Certificate of the applicant to the respondent no.4 immediately so that</p>	

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	<p>the respondent no.4 can proceed further.</p> <p>6.3 An order be passed directing the respondents not to harass the applicant anymore after his retirement from service in connection with the alleged show cause notice dated 19.06.2018 issued by the respondent no.3 herein to the applicant which the applicant during subsistence of his service replied satisfactorily;.....”</p> <p>Mrs. Priyanka Mondal, learned advocate appearing on behalf of the applicant submits that under the law there is no provision to initiate the departmental proceeding after retirement. Submission is though pursuant to the show cause notice dated 19<sup>th</sup> June 2018, appearing at page 20 of the application, the applicant has replied as evident from pages 21 and 22 of the application, however, the departmental proceeding are yet to be concluded.</p> <p>Mr. Abhijit Dutta, the departmental representative appearing for the respondent No.1,2 &amp; 3 submits that under the law a departmental proceeding can be initiated even after superannuation. After issuing the show-cause notice dated 19<sup>th</sup> June 2018 the applicant has replied and it is evident that proceedings are going on and hearing</p>	

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GM	<p>had taken place on 11<sup>th</sup> October 2018 as evident from page 23 of the application.</p> <p>Mr. Biswanath Mitra, the departmental representative for the respondent No.4 supports the stand of Mr.Dutta.</p> <p>Having heard the learned advocate for the applicant and the departmental representatives and considering the facts and circumstances of the case, the original application is disposed of by directing the respondent Nos.2 and 3 to ensure that the departmental proceedings are concluded by passing orders preferably within six months from the date of presentation of a copy of this order. It is made clear that the applicant will co-operate with the authorities in the departmental proceedings by not taking unnecessary adjournments.</p> <p style="text-align: center;"><b>P. RAMESH KUMAR</b> <b>MEMBER(A)</b></p> <p style="text-align: center;"><b>SOUMITRA PAL</b> <b>CHAIRMAN</b></p>	