

ORDER SHEET
WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

The Hon'ble Smt. Urmita Datta (Sen), Member (J)

& The Hon'ble Dr. Subesh Kumar Das, Member (A)

Case No OA - 302 of 2020

Charukesh Bhattacharjee –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 style="text-align: center;"><u>1</u> 09.10.2020</p>	<p><i>For the Applicant : Mr. M. N. Roy, Advocate.</i></p> <p><i>For the Respondents : Mr. S. N. Ray, Advocate.</i></p> <p><i>For Pr. A.G. (A & E), West Bengal : Mr. B. Mitra, (Departmental Representative)</i></p> <p><i>The instant application has been filed praying for following relief:</i></p> <p><i>“(a) An order do issue directing the concerned respondent authorities to allow your applicant to draw provisional pension or interim allowance in terms of Rule 10 or Rule 14 of the West Bengal Services (Death cum Retirement Benefit) Rules, 1971 within a stipulated time period keeping in mind that the applicant has already superannuated from service on 31.03.2020 and till date the criminal case as well as disciplinary proceeding is pending.</i></p> <p><i>(b) An order do issue thereby directing the respondent authorities to pay the GPF amount as well as Leave Salary within a</i></p>	

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	<p><i>stipulated time period, as the same has been accrued by the applicant during his service tenure.</i></p> <p><i>(c) An order do issue directing the respondent authorities to pay interest @ 18% on GPF amount as well as Leave Salary amount till the actual date of realization of the same.</i></p> <p><i>(d) An order do issue thereby directing the respondent authorities to transmit the records pertaining to this instant case before this Hon'ble Tribunal, so that conscionable justice may be rendered.</i></p> <p><i>(e) Any other appropriate order/ orders direction / directions as this Hon'ble Tribunal may deem fit and proper to protect the right of the applicant and in the ends of justice."</i></p> <p><i>As per the applicant, at the time of filing of the instant application, he has received GPF and GIS amount. However, till date he has not received any interim allowance / provisional pension as well as leave salary. However, ha has made representation before the authority on 16.03.2020.</i></p>	

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A.K.P.	<p><i>However, the counsel for the respondent has submitted that payment of interim allowances is under process. With regard to the leave salary, the counsel for the respondent has submitted that it would be paid as per the Rules.</i></p> <p><i>During the course of the hearing, the counsel for the applicant has submitted that it would suffice his purpose, if the authority would be directed to provide him interim allowances and leave encashment during the pendency of the disciplinary proceedings within a stipulated period of time.</i></p> <p><i>Heard both the parties. Accordingly, respondent no. 3 is directed to take appropriate action for providing interim allowances as stated by the counsel for the respondent and make payment of leave encashment as per Rules within a period of four weeks from the date of receipt of the order. Accordingly, the O.A. is disposed of with no order as to costs.</i></p> <p>SUBESH KUMAR DAS MEMBER (A)</p> <p>URMITA DATTA (SEN) MEMBER (J)</p>	