

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

**The Hon'ble JUSTICE RANJIT KUMAR BAG
& The Hon'ble DR. SUBESH KUMAR DAS**

Case No – OA 04 OF 2016

MAHAMAYA MUKHERJEE 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 style="text-align: center;"><u>08</u> 17.04.2018</p>	<p><i>For the Applicant : Mr. M.K. Sanyal, Learned Advocate.</i></p> <p><i>For the Respondents : None</i></p> <p><i>For A.G.(A&E) , W.B. : Mr. B. Mitra, Departmental Representative.</i></p> <p><i>The applicant has prayed for direction upon the respondents to release the amount of gratuity to the applicant.</i></p> <p><i>The contention of the applicant is that she joined as Cook-cum-Helper in the Government Primary Teachers' Training Institute at Berhampore in the District of Murshidabad on May 30, 2005 on the basis of letter dated May 30, 2005 (Annexure B to the original application) issued by the respondent no. 4. The date of birth of the applicant is recorded as May 16, 1963 in the said letter dated May 30, 2005. The dispute with record to the age of the applicant is resolved by the Hon'ble Division Bench of the High Court at Kolkata on January 11, 2010 in W.P.S.T. No. 696 of 2009 by giving direction to the respondents to treat the date of birth of the applicant as recorded in the letter dated May 30, 2005. The further contention of the applicant is that she ultimately retired on</i></p>	

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May 31, 2013. The grievance of the applicant is that the amount of gratuity as mention in the letter dated May 30, 2005 has not been released in favour of the applicant and as such the applicant submitted one representation before respondent no. 4 and the respondent no. 2 on December 07, 2015, but the said representation has not yet been considered by the concerned respondents.

Having heard Learned Counsel for the applicant and the authorised representative of A.G, W.B, we are of the view that the respondent no. 2 should consider the representation submitted by the applicant in accordance with law. Accordingly, the respondents no. 2, the Commissioner of School Education, Government of West Bengal is directed to consider the representation of the applicant dated December 07, 2015 (annexure I to the original application) in accordance with law and on the basis of the letter dated May 30, 2005 issued by the respondent no. 4 in favour of the applicant within a period of 12 (twelve) weeks from date of communication of the order and to communicate the result of the same to the applicant within a period of 2 (two) weeks thereafter.

With the above direction, the original application is disposed of.

The applicant is directed to serve copy of this order along with copy of the original application on the respondent no. 2 by speed post within a period of 2 (two-

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weeks from this date.

Let a plain copy of this order be supplied to both parties.

**(S.K.DAS)
Member (A)**

**(R.K.BAG)
Member (J)**

H.S