

**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- 1108 of 2016.****Kumud Kumar Mukherjee. 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>08</p> <hr/> <p>02/08/2018</p>	<p>For the Applicant : Mr. Soumendra Narayan Ray, Advocate.</p> <p>For the State Respondents: Mr. Sankha Ghosh, Advocate.</p> <p><i>The instant application has been filed praying for following relief;</i></p> <p>a) <i>An order do issue directing the respondent authorities herein specially being the Director of Health Services, West Bengal to implement the order No.HPA/L-A-17/2010/HCR-Tech/169 dated 04.06.2010 in its true letter and spirit and to disburse pension and further to disburse the retirement benefits on undisputed pay scale till the disposal of the appeal pending before the Hon'ble Supreme Court of India within a stipulated time period, without making any recovery of overdrawl as ordered.</i></p> <p>b) <i>A further order to issue directing the concerned respondent authorities to pay the arrear pension and other accrued benefits @ 18% interest per annum till the actual date of realization of the same.</i></p>	

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	<p>c) <i>An order do issue directing the concerned respondent authorities to transmit all the records before this Hon'ble Tribunal in ends of justice.</i></p> <p>d) <i>Any other appropriate order/orders direction/directions as this Hon'ble Tribunal may deem fit and proper to protect the right of the applicants.</i></p> <p><i>No reply has been filed. During the course of hearing, the counsel for the applicant has fairly submitted that he had previously filed one OA No.82 of 2010 which was disposed of on 07.04.2010. However, the respondent disbursed only provisional pension on undisputed pay scale, but, thereafter they have stopped the said payment. Subsequently, the respondents have stopped the payment of provisional pension due to the pendency of the concerned issue before the Hon'ble Apex Court.</i></p> <p><i>However, the counsel for the applicant has further submitted that the OA may be disposed of with a direction to the Director of Health Services Respondent No.2 to disburse the retiral benefits on the undisputed scale of pay subject to the outcome of the result of the issue pending before the Hon'ble Apex Court.</i></p> <p><i>In view of the above, the respondent No.2 is</i></p>	

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GM	<p><i>directed to disburse the retiral benefits on the undisputed pay scale subject to the outcome of the Hon'ble Apex Court within a period of six (06) weeks, if not yet disbursed.</i></p> <p><i>Leave is granted to correct the cause title. The application is <b>disposed of with no order as to cost.</b></i></p> <p style="text-align: center;"><b>P. RAMESH KUMAR MEMBER(A)</b>                      <b>URMITA DATTA (SEN) MEMBER(J)</b></p>	