

ORDER SHEET
West Bengal Administrative Tribunal

Present.-
The Hon'ble Justice Ranjit Kumar Bag
&
The Hon'ble Dr. Subesh Kumar Das

Case No. **OA - 1179 of 2016**

Sudhir Chandra Bauri

Versus

The State of West Bengal & Ors.

Serial No. and
date of order

Order of the Tribunal
with signature

Office action with date
and dated signature of
parties when necessary.

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06
11/12/2018

For the Applicant : *Mr. M. Mondal,*
Mr. A. Sinha,
Ld. Advocates.

For the State Respondent : *Mr. B.P. Roy,*
Ld. Advocate.

For the A.G., W.B. : *Mr. B. Mitra,*
Ld. Advocate.

The applicant has prayed for direction upon the respondents for grant of pension and other retirement benefits during the period from November 17, 2009 to January 04, 2012 and interest for delayed payment of retirement benefits.

It appears from the materials on record that the applicant was dismissed from service by imposition of penalty by the Disciplinary Authority. The order of dismissal of the applicant from service of Constable of Police recorded by the Disciplinary Authority and affirmed by the Appellate Authority was challenged before this Tribunal by the applicant by filing OA-499/2011. On December 19, 2011 this Tribunal disposed of OA-499/2011 by setting aside the order of punishment of dismissal imposed on the applicant and by directing the Disciplinary Authority and the

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	<p><i>Appellate Authority of the applicant to grant permission to the applicant to resume his normal duty and by observing that the applicant will not get any back wages during the period from the date of dismissal till the date of resumption of his normal duty. The Tribunal also granted opportunity to the Disciplinary Authority to impose any other punishment on the applicant if the said authority thinks the same to be fit and proper.</i></p> <p><i>By virtue of the order of the Tribunal, the applicant was reinstated in service on January 05, 2012 and he retired from service on April 30, 2012. By giving reply, the state respondents submits that the revisional authority of the applicant modified the punishment of the applicant by reducing his pay by one increment w.e.f. November 17, 2009 till the date of retirement from service.</i></p> <p><i>With the above factual matrix and having heard Learned Counsel representing the applicant, Learned Counsel representing the state respondents and the Departmental Representative of Respondent A.G., W.B., we find that this Tribunal has clearly mentioned in order dated December 19, 2011 in OA-499/2011 that the applicant will not get any back wages from the date of his dismissal till the date of his reinstatement in</i></p>	

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Csm	<p><i>service i.e. from November 17, 2009 to January 05, 2012, though the said period has already been taken into consideration by the authority concerned for sanction of pension and disbursement of other retirement benefits of the applicant. The prayer of the applicant for grant of pension during the period from November 17, 2009 to January 04, 2012 is misconceived and has no merit.</i></p> <p><i>Accordingly, the original application is dismissed.</i></p> <p><i>Let a Plain Copy of the order be supplied to all the parties.</i></p> <p>S. K. DAS MEMBER(A)</p> <p>R. K. BAG MEMBER(J)</p>	

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