

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

**The Hon'ble Justice Ranjit Kumar Bag
& The Hon'ble Subesh Kumar Das**

Case No – OA 1371 of 2013.

Dr. Kumar Nath Tripathy – 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>15 23.04.2018.</p>	<p>For the Applicant : Mr. G.P Banerjee, Mr. A.K.Ghosh, Ld. Advs.</p> <p>For the State Respondent : Mr. D. Koley, Ld. Adv.</p> <p>For the AG(A&E) WB : Mr. B. Mitra, Departmental Representative.</p> <p>The applicant retired from the post of Professor of Surgery, Institute of Post Graduate Medical Education and Research (in short IPGME&R), Kolkata on June 30, 2004. The applicant disputed the amount of pension and other retirement benefits and moved this Tribunal by filing OA 1545 of 2010 for re-fixation of pay and release of revised pension and other retirement benefits. On June 20, 2011, this Tribunal disposed of OA 1545 of 2010 by giving direction to the respondent no. 6 of the said Original Application to consider and dispose of the representation submitted by the applicant within specific period of time. The said order of the Tribunal was challenged before the Hon'ble High Court by filing WPST 172 of 2011. On August 16, 2011 the Hon'ble Division Bench of the High Court at Calcutta disposed of WPST</p>	

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	<p>172 of 2011 by directing the authority concerned to make payment of interest on the amount of Gratuity for the delay in payment. The contention of the applicant is that the applicant has already received enhanced amount of pension, arrears of pension, enhanced amount of Gratuity, enhanced amount of leave encashment and other retirement benefits, but, interest has not been paid on the balance amount of Gratuity and leave encashment inspite of inordinate delay in releasing revised Gratuity and enhanced retirement benefits.</p> <p>Having heard Ld. Counsel representing both parties and on consideration of the materials on record, we find that the applicant received balance amount of Gratuity to the tune of Rs. 1,00,497/- on October 10, 2012, though he was entitled to receive the said amount immediately after retirement on June 30, 2004. Similarly, we find that the applicant has received balance amount of leave encashment to the tune of Rs. 12,239/- on December 14, 2012, though he was entitled to get the said amount of money immediately after retirement on June 30, 2004. By virtue of Memorandum No. 9112-F dated September 24, 1979 issued by the Secretary to the Government of West Bengal, Finance Department, Audit</p>	

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	<p>Branch read with letter No. 2196-F (PEN) dated December 09, 1991 issued by the Deputy Secretary, Government of West Bengal, Finance Department, Audit Branch, the applicant is entitled to interest at the rate of 5 per cent per annum on the amount of Gratuity for the period beyond three months after the Gratuity becomes due till the end of the month preceding the month in which the payment is actually made. In view of the above memorandum issued by the Finance Department, Government of West Bengal the applicant is entitled to interest at the rate of 5 per cent per annum on the balance amount of Gratuity to the tune of Rs. 1,00,497/- for the period from October 01, 2004 to September 30, 2012. On the same analogy, the applicant is entitled to interest at the rate of 5 per cent per annum on the balance amount of leave encashment to the tune of Rs. 12,239/- for the period from October 01, 2004 till November 30, 2012.</p> <p>The respondent no. 5 , Director of IPGME&R, Kolkata is directed to pay interest on the balance amount of Gratuity and interest on the balance amount of leave encashment as observed by us herein above to the applicant within a period of eight weeks from the date of</p>	

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Skg.	<p>communication of the order.</p> <p>With the above direction, the Original Application is disposed of.</p> <p>Let a plain copy of the order be supplied to both parties.</p> <p>(S.K.Das) Member (A)</p> <p>(R.K.Bag) Member (J).</p>	

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