

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

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

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

Case No – OA 246 of 2020Subhash Chandra Biswas 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>02</p> <hr/> <p>09/10/2020</p> <p>PKD</p>	<p>For the Applicant : Mr. Rabindra Kumar Jaiswal Learned Advocate</p> <p>For the State Respondents: Mr. B. Mitra Departmental Representative For Pr. AG(A&amp;E), WB</p> <p>The instant application has been filed praying for release of pension and arrear pension. As per the applicant, he retired on 28.02.2015. As at the time of his retirement, one Disciplinary Proceedings was pending, he did not receive his pension. The said Disciplinary Proceedings was concluded vide order dated 24.05.16, imposing punishment of withdrawal of 10% of the basic pension for 2 years under the Rule 10(1) of the WBS (DCRB) Rules, 1971. Subsequently, though the applicant had approached the official respondents repeatedly but till date his pensionary benefit has not been paid to him, neither pension has been released.</p>	

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During the course of hearing, the council for the applicant has drawn our attention to the letter dated 25.09.2019(Annexure-E)/24<sup>th</sup> April, 2020(Annexure-G) issued by the Senior Accounts Officer, Pension (IX), Indian Audit and Accounts Department (A&E), West Bengal authority along with reminder dated 22.06.2020 wherein he wrote to Inspector General of Registration & Commissioner of Stamp Revenue inter alia:-

“1.Authority for Provisional Pension @Rs.17,330/- p.m. w.e.f. 01.03.2015 was issued as per sanction forwarded to this office dated 28.10.2016. It is seen from the order no.1866-FT/O/5A-07/13 Regn. Dated 26.12.2018 that a penalty of withholding 10% of pension for a period of two years has been imposed upon him. But in terms of Rule 10(3) of DCRB Rules, no recovery shall be made where the pension finally sanctioned is less than the provisional pension or the pension is reduced or withheld either permanently or for a specified period. Hence if your office desires to withhold 10% of the pension for a period of two years, a special Govt. order in relaxation of the normal Rule may be obtained from the Government of West Bengal, Finance Department and furnished to this office.

2. In this connection it is requested once again to confirm whether the Provisional Pension of Rs.2,07,960/- for the period from

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01.02.17 to 31.01.2018 paid from your end has since been adjusted against Provisional Pension issued under this office P.P.O. No.111696917.

Pension case may be resubmitted along with Service Book and necessary pension papers after compliance with the above mentioned observations.”

Therefore, the Council for the applicant has submitted that it will suffice his purpose, if the official respondent would be directed to take appropriate action for granting of pension and arrear pension to him within a stipulated period of time.

The Council for official respondent has no objection for such proposal. However, the Departmental Representative of AG, WB has submitted that they have already communicated reminder to the Official Authorities for re-submission of his Service Book and necessary pension papers as per their confirmation letter.

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Heard the parties. In view of the above, respondent no. 1 is directed to take prompt action with regard to the payment of pension and arrear pension as has been asked by the AG, WB Office with a period of 8(eight) weeks and make payment thereof immediately. The whole process should be completed including the payment within a period of 12(twelve) weeks from the date of receipt of this order. The applicant is also directed to co-operate with the Authority. Accordingly the OA is disposed of with no order as to costs.

**(SUBESH KUMAR DAS)**  
**MEMBER(A)**

**URMITA DATTA(SEN)**  
**MEMBER(J)**