

ORDER SHEET
West Bengal Administrative Tribunal

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

Case No. **OA 32 of 2015**

Mitra Mitra

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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02/04/2019

For the Applicant

: Mr. R.N. Dutta,
Mr. H.K. Halder,
Ld. Advocates.

For the State Respondent :

Mr. B.P. Roy,
Ld. Advocate.

For the A.G., W.B.

: Mr. B. Mitra,
Depttl. Representative.

The applicant has prayed for direction upon the respondents for release of entire retirement benefits of the applicant and other ancillary reliefs.

It appears from the materials on record that the applicant joined as Assistant Architect in the Department of Urban Development, Government of West Bengal on October 01, 1975. The applicant was absent from duty from July 03, 1992 to April 22, 1993 on the ground of her family commitment in New Delhi and joined back for duty on April 23, 1993. The applicant again absented herself from duty during the period from November 01, 1993 to October 08, 1995. She attained the age of superannuation on January 31, 2011. There is nothing on record to indicate that the applicant reported for duty during the period from November 01, 1993 till the date of her retirement on January 31, 2011. The application submitted by the applicant praying for voluntary retirement was

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	<p>rejected on the ground that she did not complete 20 years of service or attained the age of 50 years on the date of submission of her application for voluntary retirement on July 22, 1994. The affidavit submitted on behalf of the respondent no. 1 today indicates that disciplinary proceeding was initiated against the applicant on the ground of unauthorized absence from duty and the said proceeding has not yet been concluded. Nothing is on record to indicate that the applicant took any step for regularisation of her long period of absence from duty before retirement on January 31, 2011.</p> <p>With regard to disbursement of the amount of General Provident Fund of the applicant, we find that the applicant submitted application without furnishing all necessary particulars for disbursement of the amount of General Provident Fund. On February 18, 2019, the Joint Secretary to the Government of West Bengal, Department of Urban Development and Municipal Affairs asked the applicant to appear in the chamber of the said Joint Secretary on February 26, 2019 at 11 am at 5th floor of Nagarayan, Department of Urban Development and Municipal Affairs for submission of prescribed Form 10A in order to disburse the amount of General Provident Fund of the applicant, but the applicant did</p>	

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	<p>not appear before the concerned Joint Secretary and as such the state respondents were not in a position to disburse the amount of General Provident Fund in favour of the applicant till date.</p> <p>Having heard Learned Counsel representing both parties, we are of the view that retirement benefits except the amount of G.P.F. cannot be released till conclusion of the disciplinary proceeding pending against the applicant. Since the applicant has already attained the age of superannuation on January 31, 2011 and since the applicant was absent for prolonged period of time before attaining the age of superannuation and since the disciplinary proceeding is also pending for prolonged period of time against the applicant, we are of the view that the Principal Secretary of the Department of Urban Development should take a decision about the retirement benefits of the applicant within specific period of time.</p> <p>In view of our above observation, the applicant is directed to submit fresh application in the prescribed Form 10A before the Joint Secretary to the Government of West Bengal, Department of Urban Development and Municipal Affairs (T & CP Branch) and furnish all necessary particulars before him for disbursement of the amount of G.P.F. within a period</p>	

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Csm	<p>of 04 (four) weeks from this date. The respondent no. 2, Principal Secretary to the Government of West Bengal, Department of Urban Development is directed to take necessary action for disbursement of the amount of G.P.F. in favour of the applicant within a period of 12 (twelve) weeks from the date of submission of the application in the prescribed format by the applicant before the concerned Joint Secretary.</p> <p>The respondent no. 2, Principal Secretary to the Government of West Bengal, Department of Urban Development is also directed to take a decision in connection with retirement benefits of the applicant after giving applicant an opportunity of hearing by passing a reasoned order within a period of 16 (sixteen) weeks from the date of communication of the order.</p> <p>With the above direction, the original application stands disposed of.</p> <p>Let a Plain Copy of the order be supplied to all the parties.</p> <p style="text-align: center;">S. K. DAS MEMBER(A)</p> <p style="text-align: center;">R. K. BAG MEMBER(J)</p>	