

ORDER SHEET
West Bengal Administrative Tribunal

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

Case No. **OA-335 of 2017**

Prasanta Ranjan Santra

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.

1

2

3

13
07/01/2019

For the Applicant : *Mr. A.K. Das Sinha,*
Ld. Advocate.

For the State Respondent : *Mr. M.N. Roy,*
Ld. Advocate.

The applicant has prayed for direction upon the respondents for disbursement of the amount of General Provident Fund, amount of Group Insurance and the amount of Leave Encashment.

Mr. Das Sinha, Learned Counsel for the applicant contends that the Departmental Enquiry was initiated against the applicant by issuance of Articles of Charge by the Secretary of the concerned department. He further submits that the said Chargesheet was challenged by the applicant initially before the Tribunal and ultimately before the Hon'ble High Court. It is the contention of the applicant that the Hon'ble High Court directed the state respondents to supply copy of the chargesheet along with annexures, but the same is not complied with by the state respondents and for violation of the said order contempt application is pending before the Hon'ble High Court.

Having heard Learned Counsel representing both parties and on consideration of the background of submission of the present application, the applicant was directed by this Bench on September 17, 2018 to submit

ORDER SHEET – (Continuation)

Form No.

Prasanta Ranjan Santra
.....

Vs

The State of West Bengal & Others.
.....Case No. **OA-335 of 2017**

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><i>copy of the application in the prescribed format alleged to have been submitted by the applicant before the authority concerned for disbursement of the amount of General Provident Fund. However, Learned Counsel for the applicant has failed to place on record copy of the application in the prescribed format alleged to have been submitted by the applicant for disbursement of the amount of General Provident Fund. On consideration of this conduct of the applicant we are constrained to hold that the applicant has not submitted any application in the prescribed format for disbursement of the amount of General Provident Fund and as such we cannot persuade ourselves to give any direction to the respondents for disbursement of the amount of General Provident Fund in favour of the applicant.</i></p> <p><i>Since the Departmental Enquiry is pending against the applicant, the applicant is not entitled to get other retirement benefits including Leave Encashment. However, the applicant is entitled to get provisional pension which was enjoyed by the applicant till the month of October 2018 as per provisions of Rule 10 (2) of the West Bengal Services (Death-cum-Retirement Benefits) Rules, 1971 (hereinafter referred to as the Death-cum-Retirement Benefits).</i></p> <p><i>In view of our above findings, the Respondent No. 5, Director of Personnel and Ex-Officio Chief Engineer, Water</i></p>	

ORDER SHEET – (Continuation)

Form No.

Prasanta Ranjan Santra
.....

Vs

The State of West Bengal & Others.
.....Case No. **OA-335 of 2017**

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><i>Resource and Investigation Development Directorate is directed to grant provisional pension in favour of the applicant as per provisions of Rule 10 (2) of the Death-cum-Retirement Benefit Rules of 1971 within a period of 8 (eight) weeks from the date of communication of the order and to ensure disbursement of the amount of provisional pension in favour of the applicant within a period of 4 (four) weeks thereafter. With the above direction, the original application stands disposed of.</i></p> <p><i>Let a Plain Copy of the order be supplied to both parties.</i></p> <p>S. K. DAS MEMBER(A)</p> <p>R. K. BAG MEMBER(J)</p>	

ORDER SHEET – (Continuation)

Form No.

Prasanta Ranjan Santra
.....

Vs

The State of West Bengal & Others.
.....Case No. **OA-335 of 2017**

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

ORDER SHEET – (Continuation)

Form No.

Prasanta Ranjan Santra
.....

Vs

The State of West Bengal & Others.
.....Case No. **OA-335 of 2017**

Serial No. and date of order	Order of the Tribunal with signature	Office action with date and dated signature of parties when necessary.
1	2	3