

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

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

Case No OA- 421 OF 2017

BENIMADHAB DAS Vs. 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 style="text-align: center;"><u>05</u> 20.03.18</p>	<p>For the Applicant : Mrs.S.Agarwal Learned Advocate</p> <p>For the Respondent : Mr.S.Bhattacharya (Departmental Representative)</p> <p>For the A.G.W.B. : Mr.B.Mitra (Departmental Representative)</p> <p>The applicant has prayed for direction upon the Respondents to release gratuity, balance amount of provident fund and pension in favour of the applicant by filing original application under Section 19 of the Administrative Tribunals Act, 1985.</p> <p>One report is submitted on behalf of the State Respondents in connection with the allegation made by the applicant in the original application. It appears from the said report that the applicant has already been paid 90 % of the amount of G.P.F. and the amount of Group Insurance and provisional pension. The grievance of the applicant is that the balance amount of G.P.F. has not been paid in favour of the applicant and final pension and gratuity have not been released in favour of the</p>	

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	<p>applicant. Admittedly, the criminal case is still pending against the applicant before the competent court of law. The criminal case relates to the offence of cheating and fraud which may amount to moral turpitude. Rule 10 (2) of the West Bengal Services (Death-cum-Retirement Benefits) Rules 1971 (hereinafter referred to D.C.R.B. Rules, 1971) provides that gratuity cannot be paid to the employee against whom criminal proceeding is pending. Similarly, the provisions of Rule 14 of D.C.R.B. Rules, 1971 provides that final pension cannot be released in favour of the applicant against whom the criminal proceeding is pending before the competent court of law. In view of pendency of criminal proceeding against the applicant the amount of gratuity and final pension cannot be released in favour of the applicant. However, the applicant is at liberty to pray for release of balance amount of G.P.F.</p> <p>In view of our above observation, we do not find any merit in the present application and as such, the original application is dismissed.</p>	

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BLR	<p style="text-align: center;">Let a plain copy of the order be supplied to both parties.</p> <p style="text-align: center;"> (S.K.Das) MEMBER(A) </p> <p style="text-align: center;"> (R.K.Bag) MEMBER (J) </p>	