

**ORDER SHEET****WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-****The Hon'ble Justice Soumitra Pal (Chairman)****& The Hon'ble Dr.Subesh Kumar Das (Administrative Member)****Case No. OA – 427 OF 2018****BELA RANI BERA Vs. THE STATE OF WEST BENGAL**

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>01</u> 26.11.18</p>	<p>For the Applicant : Mr.D.Ghorai Advocate</p> <p>For the Respondent : Mr.G.P.Banerjee Advocate</p> <p>For the A.G.W.B. : Mr.B.Mitra (Departmental representative)</p> <p>In this application, the applicant Bela Rani Bera, wife of late Mahima Ranjan Bera, Medical Technologist who had superannuated on 30<sup>th</sup> April, 2005, has prayed for a direction upon the respondents, particularly on the Superintendent, Haldia Sub-Divisional Hospital, Purba Medinipur, the respondent no. 4 to issue Pension Payment Order and to release gratuity and commuted value of pension payable to her late husband. It appears that while the husband of the applicant was in service he was involved in a criminal case which ended in acquittal by the order of the High Court dated 16<sup>th</sup> August, 2011 passed in C.R.R. No. 3035 of 2007. Subsequently, a letter was issued by the Accounts Officer sanctioning Rs. 2,17,782/-being the commuted value of pension and Rs. 2,27,420/- being the gratuity and pension with effect from 1<sup>st</sup> May, 2005 in favour of the deceased husband</p>	

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	<p>who had expired on 15<sup>th</sup> June, 2016. It is submitted by Mr.D.Ghorai, learned advocate for the applicant that though the husband was acquitted in the criminal case, yet no pensionary benefits have been released.</p> <p>Mr.G.P.Banerjee, learned advocate appearing on behalf of the State respondents and Mr.B.Mitra, Departmental representative on behalf of Accountant General (A&amp;E), West Bengal submit on instruction that on 27<sup>th</sup> September, 2018 a letter was sent by the Accounts Officer, Indian Audit And Accounts Department Accountant General (A&amp;E) West Bengal to the Superintendent, Haldia Sub-Divisional Hospital, Purba Medinipur, the respondent no. 4 directing him to submit certain documents before revision and revalidation of pensionary benefits in respect of late husband of the applicant. It was intimated therein that the applicant is, inter alia, entitled to Life Time Arrear and family pension and it was also mentioned therein that fresh sanction of Life Time Arrear, gratuity and life time arrear commuted value be given to the applicant herein. It is submitted that the Respondent no. 4 is the appropriate</p>	

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	<p>officer to sanction the pensionary benefits of deceased husband Mahima Ranjan Bera and also family pension payable to the applicant herein.</p> <p>Having heard the learned advocates for the parties and the Departmental representative and considering the facts and circumstances of the case, this application is disposed of by directing the Superintendent, Haldia Sub-Divisional Hospital, Purba Medinipur, the respondent no. 4 to dispose of the matter regarding grant of superannuation benefits of late Mahima Ranjan Bera to the applicant by passing a reasoned order to be communicated to the parties including the Indian Audit And Accounts Department, Accountant General (A&amp;E) West Bengal within 12 weeks from the date of presentation of a copy of this order after giving an opportunity of hearing and after verifying the records and in accordance with the intimation dated 27<sup>th</sup> September, 2018 issued by the Accounts Officer of Indian Audit And Accounts Department, Accountant General (A&amp;E), West Bengal to the respondent no.4. It is made clear that the question of payment of interest is kept</p>	

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BLR	<p>open to be considered in a further application after payment of the retiral dues. Let a copy of the intimation dated 27<sup>th</sup> September, 2018 filed on behalf of the respondent no. 4 be kept on record.</p> <p style="text-align: center;"> <b>(S.K.DAS)</b>  <b>MEMBER(A)</b> </p> <p style="text-align: center;"> <b>(SOUMITRA PAL)</b>  <b>CHAIRMAN</b> </p>	