

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 – 497 OF 2017****MONIKA (SENGUPTA) GHOSH & ANOTHER. 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>06</u> 14.08.18</p>	<p>For the Applicants : Mr.A.K.Niyogi Advocate</p> <p>For the Respondent : Mr.M.N.Roy Advocate</p> <p>For the Advocate General : Mr.G.P.Banerjee Advocate</p> <p>For the A.G.W.B. : Mr.B.Mitra (Departmental Representative)</p> <p style="text-align: center;">Affidavit of service filed today be kept on record.</p> <p>Today though the matter has come up under the heading “To be Mentioned” it is submitted by Mr.A.K.Niyogi, learned advocate for the applicant that the matter may be heard and disposed of by granting leave to the applicants to file a representation before the appropriate authority ventilating their grievances and the authority may be directed to dispose of the same within a stipulated period.</p> <p style="text-align: center;">In this application Monika (Sengupta) Ghosh and Krishna Sengupta, the two applicants, stated to be sisters of late Shankar Sengupta, U.D.C. who had expired on 15th May, 2006 while in service in the office of the Employment - Officer In-charge SRE Employment Exchange North Calcutta, Kolkata-700002, have prayed</p>	

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	<p>for a direction upon the respondents to pay GPF as per West Bengal GPF Rules, Death gratuity at the revised rate as per ROPA 2009, arrears of pay for the month of May 2016 claiming to be due to their deceased brother and the commuted value of pension which according to them are yet to be disbursed by the State authorities. On a query it is submitted by Mr.Niyogi that though gratuity has been released in 2011 however, other benefits are yet to be released. Though representations have been made those have gone unheeded. Hence submission is for a direction upon the respondents to make payment.</p> <p>Mr.G.P.Banerjee, learned advocate appearing on behalf of the Advocate General submits that though in this application the vires of Rule 104 of DCRB Rules, 1971 has been challenged, however, if a direction is issued upon the respondents to take a decision after dealing with the specific claims, a clear picture would emerge and steps can be taken accordingly.</p> <p>Mr.M.N.Roy, learned advocate for the State and Mr.B.Mitra, the Departmental representative support the stand of Mr.G.P.Banerjee.</p>	

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BLR	<p>Having heard Mr.Niyogi, Mr.Banerjee, Mr.Roy and Mr.Mitra and considering the facts and circumstances of the case, this application is disposed of by granting liberty to the applicants to file a written representation raising their specific grievances with regard to the non-payment of the dues of late Shankar Sengupta before the Director of Employment, West Bengal, Kolkata, the Respondent No. 4 within four weeks from the date of obtaining a copy of this order. If such representation is filed, the Director of Employment shall dispose of the same by passing a reasoned order to be communicated to the parties within 12 weeks after giving an opportunity of hearing to the two applicants and after verifying the records. It is made clear that the Director of Employment while coming to a decision shall deal with each of the claims specifically raised. It is made clear that at this stage, we have not gone into the issue regarding the challenge to the vires of Rule 104 of DCRB Rules, 1971 and that point is kept open.</p> <p style="text-align: center;">(S.K.DAS) MEMBER(A)</p> <p style="text-align: center;">(SOUMITRA PAL) CHAIRMAN</p>	