

ORDER SHEET
West Bengal Administrative Tribunal

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

Case No. **OA - 513 of 2014**

Gopon Kumar Chakraborty

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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03/12/2018

For the Applicant : *Mr. A.L. Basu,*
Ld. Advocate.

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 grant of Pension, Leave Salary, amount of G.P.F. and other retirement benefits of the applicant.

The contention of the applicant is that he was allowed to retire on February 28, 2014 by making over charge of the office in favour of one Subhashis Dutta by order dated February 27, 2014 (Annexure 'A' to the original application). The further contention of the applicant is that the Departmental Enquiry was started against the applicant on the charge of disproportionate assets acquired by the applicant during the period of service and the said Departmental Enquiry has not yet been concluded. Mr. A.L. Basu, Learned Counsel for the applicant submits that the applicant has already received the amount of General Provident Fund and now the applicant is only praying for grant of Leave Encashment.

ORDER SHEET – (Continuation)

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	<p><i>Mr. B.P. Roy, Learned Counsel representing the state respondents submits that there is no provision of law for grant of Leave Encashment during pendency of the Departmental Enquiry.</i></p> <p><i>On consideration of the materials on record, we find that the applicant was allowed to retire from his office on superannuation on February 28, 2014 and the Departmental Enquiry was started against him after retirement. Since the applicant was allowed to retire from service on superannuation he is entitled to get Leave Encashment as per provisions of Rule 168A of West Bengal Service Rules, Part I. Accordingly, we direct the Respondent No. 3, Superintending Engineer, N.H. Planning and Design Circle, Directorate of PW (Roads), Government of West Bengal to consider the entitlement of the applicant to get Leave Encashment in terms of Rule 168A of W.B.S.R. Part I within a period of 8 (eight) weeks from the date of communication of the order and to take necessary follow up action after giving a intimation to the applicant in this regard within a period of 4 (four) weeks thereafter.</i></p> <p><i>With the above direction the original application stands disposed of.</i></p>	

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Csm	<p style="text-align: center;"><i>Let a Plain Copy of the order be supplied to both parties.</i></p> <p style="text-align: center;">S. K. DAS MEMBER(A)</p> <p style="text-align: center;">R. K. BAG MEMBER(J)</p>	

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