

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

Hon'ble Justice Soumitra Pal, Hon'ble Chairman &
 Hon'ble Dr. Subesh Kumar Das, Administrative Member.

Case No. OA 562 of 2019.

AJIT GHOSH – VERSUS- THE 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>4 22.11.2019.</p>	<p>For the Applicant : Mr. S. Banerjee, Mr. B. Ghosh, Advocates.</p> <p>For the State Respondent : Mr. M.N. Roy, Advocate.</p> <p>For the Principal : Mr. B. Mitra, Accountant General Departmental representative. (A & E) West Bengal</p> <p>In this application Ajit Ghosh, the applicant has prayed for certain reliefs, the relevant portion of which is as under :-</p> <p><i>“ (a)...Direct the respondent authorities to release all retiral benefits in favour of the applicant as well as pensionary benefits forthwith to overcome the financial crisis in the family of the applicant since the family is facing acute financial crisis at this moment.</i></p> <p><i>(b) Command upon the respondent authorities to take steps for releasing the Pension and retiral benefits in favour of the applicant immediately so that the family of the applicant can survive.</i></p> <p><i>(c) Direct the concerned respondent authorities to release Pension and retiral benefits to the</i></p>	

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	<p><i>applicant wherein the applicant is legally entitled to get such benefits without any further delay...".</i></p> <p>It appears from the application that on 28th April, 1981 the applicant was appointed to the post of Agragami in the Western Wing Civil Defence under Government of West Bengal and performed his duties till 2005. On 31st January, 2006 he received a warning notice for unauthorised absence. Thereafter final warning notice was served on the applicant for unauthorised absence on 2nd August, 2011. It appears that the applicant had informed the authorities that he could not resume his duty from 1st June, 2006 due to mental illness and vision problem. According to the applicant he has received salary till 2013 and had superannuated on 16th January, 2016. Submission is in the year 2015 he was declared permanently disabled by the District Hospital, Hooghly. On a query, Mr. S. Banerjee the learned advocate for the applicant could not answer how the applicant could retire on 16th January, 2016. It is submitted on behalf of the applicant that since his family is facing financial crisis, leave may be granted to file representation before the authorities with all copies of documents for grant of retiral benefits.</p>	

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	<p>Mr. M.N. Roy, learned advocate for the State respondents submits on written instruction issued by the Commandant, Water Wing Civil Defence, West Bengal under memo dated 17th November, 2019 that in the year 2006 punishment was imposed against the applicant whereby four successive increments were withheld with immediate effect. Further the applicant did not submit before the authorities any medical certificate against his medical status or condition. Let a copy of the memo dated 17th November, 2019 filed be kept on record and a copy of the same be served on the learned advocate for the applicant which is served and accepted.</p> <p>Having heard the learned advocates for the parties and considering the facts and circumstances of the case, as prayed for, the application is disposed of by granting liberty to the applicant to file representation regarding grant of retiral benefits along with copies of relevant documents before the Commandant, Water Wing Civil Defence, Government of West Bengal, – the respondent no. 2, within four weeks from the date of obtaining a copy of this order. If such representation is filed within the time as stipulated, the Commandant, Water Wing Civil Defence, shall dispose of the same by</p>	

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Skg.	<p>passing a reasoned order to be communicated to the parties within twelve weeks after giving an opportunity of hearing and after verifying the records including the documents if submitted by the applicant.</p> <p>(Subesh Kumar Das) Member (A).</p> <p>(Soumitra Pal) Chairman.</p>	