

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

**The Hon'ble JUSTICE RANJIT KUMAR BAG
& The Hon'ble DR. SUBESH KUMAR DAS**

Case No – OA 588 OF 2015

Lakshmi Narayan Maity Vs 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 style="text-align: center;">13</p> <hr/> <p>16.01.2019</p>	<p><i>For the Applicant : Mrs. S. Mitra, Learned Advocate.</i></p> <p><i>For the State Respondents : Mr. S. Ghosh, Learned Advocate.</i></p> <p><i>For A.G.(A&E), W.B. : Mr. B. Mitra, Departmental Representative.</i></p> <p><i>The applicant has prayed for direction upon the respondents for grant of revised pension and revised retiring gratuity on the basis of last pay drawn by the applicant @ Rs. 8,400/- and special pay of Rs. 60/- per month instead of Rs. 8,250/- per month.</i></p> <p><i>It appears from the materials on record that the applicant retired from the post of Health Inspector on February 28, 2003. The contention of the applicant is that the last pay drawn of the applicant from the establishment of the respondent no. 4 was Rs. 8,460/-, whereas pension and gratuity were paid to the applicant on the basis of last pay of Rs. 8,250/-. The document marked by annexes 'D' to the original application indicates that the last pay of the applicant was shown as Rs. 8,400/- by the Chief Medical Officer of Health, Purulia while issuing the order dated July 29, 2003 for the purpose of leave encashment</i></p>	

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of the applicant.

With the above factual matrix, Mrs S. Mitra, Learned Counsel for the applicant submits that the pension case of the applicant was processed erroneously by taking into consideration the last pay of the applicant as Rs. 8,250/-, though the applicant had drawn Rs. 8,460/- as the last pay before retirement.

Mr. S. Ghosh, Learned Counsel representing the state respondents submits that the last pay of the applicant was rightly considered as Rs. 8,250/- for the purpose of pension and gratuity of the applicant. Mr. Mitra, the departmental representative of the respondent A.G., West Bengal submits that the pension and gratuity of the applicant was calculated on the basis of his last pay of Rs. 8,250/- as forwarded by the Finance Department, Government of West Bengal.

Having heard both sides and on consideration of the materials on record, we are unable to reconcile how the last pay of the applicant was shown as Rs. 8,250/- for the purpose of pension and gratuity, while the applicant was shown to have drawn of last pay of Rs. 8,460/- before retirement. No document is forthcoming before the Tribunal whereby the last pay of the applicant was reduced from Rs. 8,460/- to Rs. 8,250/- for the purpose of pension and gratuity of the applicant. We would like to relegate this matter to the Chief Medical Officer of

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Health, Purulia for deciding whether the last pay of the applicant was Rs. 8,460/- on the date of retirement for the purpose of grant of pension and gratuity and other retirement benefits.

In view of our above findings, we direct the respondent no. 4, Chief Medical Officer of Health, Purulia to decide whether the applicant is entitled to get revised pension and gratuity on the basis of his last pay of Rs. 8.460/- within a period of 12 (twelve) weeks from the date of communication of the order and take necessary follow up action, if any, after giving the applicant an intimation in this regard within a period of 4 (four) weeks thereafter.

With the above direction, the original application is disposed of.

Let a plain copy of the order be supplied to both parties.

**(S.K.DAS)
Member (A)**

**(R.K.BAG)
Member (J)**

H.S

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