

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

The Hon'ble Justice Soumitra Pal (Chairman)
& The Hon'ble Mr. Subesh Kumar Das (Administrative Member)

Case No –OA 590 OF 2017

APURBA SWARNAKAR 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;">5</p> <hr/> <p>10.08.2018</p>	<p>For the Applicant : Mr. M.N. Roy Advocate</p> <p>For the Respondents : Mr. B.P. Roy Advocate</p> <p>For the Respondent No.5 : Mr. B. Mitra Departmental Representative</p> <p style="text-align: center;">Let a reply filed by Mr. B.P. Roy, learned advocate for the respondent no.4 be kept on record.</p> <p style="text-align: center;">In this application the applicant, a person having 40% disability, had joined as “Assistant Master” in Commerce under West Bengal Sub-ordinate Education Service on 8th June, 2000. Thereafter he had joined the post of “Assistant Registrar” under Indira Gandhi National Open University (IGNOU) on 29th August, 2013 after compliance of the necessary formalities. It is prayed that since he had served for about thirteen years and though he is entitled to gratuity, C.V.P., leave encashment, group insurance etc., except GPF, however, those benefits have not been released.</p> <p style="text-align: center;">On our query, Mr. M.N. Ray, learned advocate appearing on behalf of the applicant submits on instruction from his client present in Court that he has already received</p>	

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SCN.	<p>the GPF amount and hence, he is not claiming this amount. It is submitted that appropriate direction may be given on the respondents to pay the said benefits.</p> <p>Relying on the reply affirmed by the Commissioner of School Education, West Bengal, it is submitted by Mr. B.P. Roy that since the applicant has served more than ten years, he is entitled to receive pro rata pension, gratuity, leave encashment and other benefits as per Rule 189A of the Death-cum-Retiral Benefits Rules, 1971.</p> <p>Admittedly since the applicant had worked for more than 13 years he is entitled to get benefits under Rule 189A of the Death-cum-Retiral Benefits Rules, 1971. Hence, considering the facts and circumstances of the case as well as the reply filed by the State respondents, this application is disposed of by directing the Principal Secretary, Finance Department to pay pro rata pension, gratuity, commuted value of pension, leave encashment, group insurance and other benefits to the applicant, as per Rule 189A of the Death-cum-Retiral Benefits Rules, 1971, within a period of ten weeks from the date of presentation of a copy of this order.</p> <p>(S.K. Das) MEMBER (A)</p> <p>(Soumitra Pal) CHAIRMAN</p>	