

**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 623 of 2019.**

**SUBHANKAR CHATTERJEE- VERSUS- THE STATE OF W.B. & OTHERS.**

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>3 20.9.2019.</p>	<p>For the Applicant : Mr. B. Chakraborty , Mrs. S. Agarwal, Advocates.</p> <p>For the State Respondent : Mr. G.P. Banerjee, Advocate.</p> <p>Affidavit of service filed today be kept on record. Since despite service of notice, none appears on behalf of the State respondents, Mr. G.P. Banerjee, learned advocate who normally appears on behalf of the State respondents, is requested to appear in the matter. Let a copy of the application be served on him, which is served and accepted. The Legal Remembrancer, West Bengal is directed to regularise the appointment of Mr. Banerjee.</p> <p>In this application Subhankar Chatterjee, the applicant, has prayed for several reliefs, the relevant portion of which is as under :-</p> <p><i>“a).....An order be issued directing the respondents to release and pay pension, gratuity, unutilized leave salary and other retiral benefits as payable to the applicant on his superannuation from service without further delay.</i></p>	

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	<p><i>b)An order be issued directing the respondents and each of them their men/servants/assign to pay compound interest @ 15% per annum over the total unpaid amount of said retiral benefits for loss of income as suffered by the applicant....”.</i></p> <p>It has been stated that the applicant had superannuated on 31<sup>st</sup> December, 2018. However before superannuation he had moved the Tribunal for giving promotion by filing an application being OA 684 of 2017 which was disposed of by order dated 26<sup>th</sup> October, 2017 by directing the Principal Secretary, Food and Supplies Department to consider his prayer seeking promotion to the post of Chief Inspector. It appears that thereafter the Principal Secretary, Food and Supplies Department had passed an order dated 27<sup>th</sup> July, 2018 by holding as under :-</p> <p><i>“....Hence the prayer of Shri Shubhankar Chatterjee for his promotion to the post of CI w.e.f. 25.02.2015, i.e. from the date when his juniors were promoted to the said post is allowed subject to verification of official records. Subsequent to the promotion of Shri Chatterjee as C.I. he will be entitled to all consequential monetary benefits from the date of the</i></p>	

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	<p><i>promotion of his immediate junior in the gradation list. As such concerned authority in Food and Supplies Department may take appropriate steps to promote the applicant to the post of Chief Inspector belonging to West Bengal Subordinate Food &amp; Supplies Service Grade-I from the date on which his immediate junior was promoted to the said post.</i></p> <p><i>Hence, the order of the Hon'ble WBAT dated 26.10.2017 passed in OA No. 684 of 2017 is complied with..."</i></p> <p>It is submitted by Mr. Chakraborty that though he has been promoted, he has not received pay, pension, gratuity, leave salary and other retiral benefits on superannuation.</p> <p>Mr. G.P. Banerjee, learned advocate appearing on behalf of the State respondent submits that since it is evident from the reasoned order that the Secretary of the Vigilance Commission had informed that enquiry regarding the applicant is in progress, no order may be passed.</p> <p>Having heard the learned advocates for the parties and considering the facts and circumstances of the case, the original application is disposed of by</p>	

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Skg.	<p>directing the Director of Rationing, Government of West Bengal, Khadya Bhawan, - the Respondent no. 2(ii) to come to a finding whether departmental proceedings are pending against the applicant or any vigilance proceedings are pending and it shall be communicated to the applicant within eight weeks from the date of presentation of a copy of this order. If it is found that the departmental proceeding and vigilance proceedings are pending, the applicant is at liberty to pray for provisional pension by filing an application. If such application is filed, same shall be disposed of by the Director of Rationing by passing a reasoned order within eight weeks after giving an opportunity of hearing. However, if it is found by the Director of Rationing that no departmental or vigilance proceedings are pending against the applicant, the Director of Rationing shall issue appropriate order for release of the monetary benefits, including superannuation benefits to the applicant within ten weeks from the date of receipt of all papers and documents after giving an opportunity of hearing.</p> <p>(Subesh Kumar Das) Member (A).</p>	<p>(Soumitra Pal) Chairman.</p>