

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

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

Case No – OA 645 OF 2018

Dr. Siddhartha Swarup Sarker 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;">03 <hr/>12.02.2019</p>	<p><i>For the Applicant : Mr. Siddhartha Swarup Sarker, (In person)</i></p> <p><i>For the State Respondents : Mr. S. N. Roy, Mr. S. Ghosh, Learned Advocates.</i></p> <p><i>For Respondent No. 6 : Mr. S.S. Koley, Learned Advocate.</i></p> <p><i>For P.S.C., W.B. : Mr. A.L. Basu, Mr. S. Bhattacharya, Learned Advocates.</i></p> <p style="text-align: center;"><i>Reply and rejoinder have not been exchanged between the parties and the reply has not been filed today by the state respondents.</i></p> <p style="text-align: center;"><i>By placing on record a copy of order dated February 12, 2019 issued by the Principal Secretary to the Government of West Bengal, Department of Personnel and Administrative Reforms, Mr. S.N. Ray, Learned Counsel for the state respondents submits that the interim order passed by this Tribunal on October, 2018 has already been complied with. Having heard Learned Counsel representing both parties and on consideration of the order dated February 12, 2019, we find that the</i></p>	

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respondent no. 2 has blatantly violated the direction given by this Bench on October 12, 2018 in OA 645 of 2018. It is pertinent to point out that the respondent no. 2 has added 2 (two) riders of recovery of Rs. 63, 750/- and Rs. 11,92,934/- for the purpose of release of provisional pension in favour of the applicant for a period of 12 (twelve) months, though these riders were conspicuously absent from the direction given by this Bench on October 12, 2018. We would like to give the respondent no. 2 one more opportunity to issue fresh order in compliance with the direction giving by this Bench on October 12, 2018 on cancellation of order dated February 12, 2019.

Mr. S. N. Ray, Learned Counsel, Mr. S. Ghosh, Learned Counsel have jointly prayed for accommodation till Friday for issuance of fresh order by the respondent no. 2 on cancellation or modification of the order already issued by him on February 12, 2019. Accommodation is granted for such purpose till February 15, 2019. The respondent no. 2 is directed to submit fresh order of provisional pension in terms of direction given by this Tribunal on October 12, 2018 on cancellation /modification of order dated February 12, 2019 positively on February 15, 2019 at 12.45 p.m.

On prayer of Learned Counsel for the state respondents accommodation is granted for filing reply. The respondents are directed to file reply positively on

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March 12, 2019 and rejoinder must be filed by the applicant on March 25, 2019.

Learned Counsel for respondent no. 6 submits that the respondent no. 6 will not use any reply in this case as they have no role to play in this case.

*List the matter under the heading "**Hearing**" on **28.03.2019**.*

Let urgent plain copy of this order be supplied to all the parties.

(S.K.DAS)
Member (A)

(R.K.BAG)
Member (J)

H.S

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