

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

The Hon'ble Mrs. Urmita Datta (Sen), Member (J)

The Hon'ble P. Ramesh Kumar, Member (A).

OA-776 of 2019

Bindu Kr. Naskar**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;">05 18.12.2019</p> <p>Page /1</p>	<p>For the petitioner : Mr. S.S. Mondal, Learned Advocate.</p> <p>For the respondent : Mr. G.P. Banerjee, Learned Advocate.</p> <p>The instant application has been filed mainly challenging the order dated 01.7.2019 as well as order dated 15.07.2019 whereby the applicant was directed to submit to deposit a sum of Rupees 5,22,258/- towards the penalty against the excess payment made to contractual employees without the approval of the higher authority. As per the applicant, he has been served with a charge sheet dated 09.11.2016 wherein it has been alleged that he made payment to the contractual labourers without taking approval of the higher authority. According to the applicant, the said departmental proceeding is still pending as he has not been served with the final order in the said departmental proceeding. However, he has been directed to deposit Rs. 5,22,258/- towards penalty without communicating the final decision of the disciplinary authority. In the meantime, he has also retired from service on 30.06.2018 but till date</p>	

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<p style="text-align: center;">05 18.12.2019</p>	<p>he has not received any pensionary benefits. Therefore, he has prayed for staying of the impugned order dated 1.7.2019 & 15.7.2019 and direction upon the respondents to disburse the pensionary benefits.</p> <p style="text-align: center;">The counsel for the respondent has prayed for sometime to file reply.</p> <p>Heard both the parties and perused the record. It is noted that the departmental proceeding has been initiated against the applicant on 09.11.2016 whereas vide order dated 1.7.2019, he has been directed to deposit an amount of Rs. 5,22,258/-as a penalty of excess payment. However, there is no reference of any final order passed by the authority in the aforesaid direction dated 01.07.2019 and 15.7.2019.</p> <p>In view of the above, we are of the view that the balance of convenience is in favour of the applicant. Accordingly, we stay the order dated 01.7.2019 & 15.07.2019. We also direct the respondents to disburse the admissible pensionary benefits as per rules to the</p>	

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<p style="text-align: center;">05 18.12.2019</p> <p>SC</p>	<p>applicant within a period of two weeks from the date of receipt of this order. Respondents are further directed to file reply by four weeks. Rejoinder, if any, by two weeks thereafter. Matter will appear on 18.03.2020.</p> <p style="text-align: center;"> P. RAMESH KUMAR MEMBER (A) </p> <p style="text-align: center;"> URMITA DATTA (SEN) MEMBER (J) </p>	

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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
Page /3 02 <hr/> 12.04.2019		

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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
sc P/4 02 <hr/> 15.02.2019		

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P/5 02 ----- 15.02.2019		

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