

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 797 of 2018.
 KACHI DHALI -Vs- THE STATE OF W.B. & 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>2</p> <hr/> <p>15.3.2019.</p>	<p>For the Applicant : Mr. G.F. Hossain, Ms. P. Mondal, Advocates.</p> <p>For the State Respondent : Mr. G.P. Banerjee, Advocate.</p> <p>For the Principal Accountant General (A & E) West Bengal : Mr. B. Mitra, Departmental Representative.</p> <p>Pursuant to the leave granted on 25th January, 2019, the applicant has filed a supplementary affidavit. Let it be kept on record.</p> <p>In this application, the applicant who was a Krishi Shramik in S.A.R.F., Baruipur, South 24-Parganas, has prayed for a direction upon the respondents to comply with the order dated 2nd March, 2011 passed by the Tribunal in OA 901 of 2010, Kachi Dhali-v-State of W.B. and others. It is submitted by Mr. G.F. Hossain, learned advocate for the applicant that though the Assistant Director of Agriculture (Administration) Kolkata – the respondent no. 4 by memo dated 3rd March, 2017, being annexure 'K' to the application, addressed to the OSD and Ex-officio Director of Agriculture, Government of West Bengal – the respondent no. 2, had requested to return the approved reconstructed service book of the</p>	

ORDER SHEET

KACHI DHALI.

Form No.

Vs.Case No. **OA 797 of 2018.**

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>applicant, till date it has not been done. Though a sum of Rs. 28,565/- was disbursed on 3rd January, 2012, it has not been intimated under which head the said amount has been paid. Submission is provident fund, group insurance amount and gratuity are yet to be released.</p> <p>Mr. G.P. Banerjee, learned advocate appearing on behalf of the state submits that, if directed, appropriate steps will be taken.</p> <p>Mr. B. Mitra, the departmental representative adopts the submission of Mr Banerjee.</p> <p>We find that the Tribunal while disposing of the matter OA 901 of 2010 had passed an order on 2nd March, 2011, the relevant portion of which is as under :-</p> <p><i>“.....Petitioner has filed affidavit of service. Let it be kept on record. Pursuant to service Mr. Banerjee has appeared today on behalf of the State Respondent and Mr. Mitra has appeared on behalf of A.G.W.B. Petitioner has prayed for his retiral benefit and Mr. Banerjee submits that from the appointment letter of the petitioner itself, it is very much clear that petitioner did not render the qualifying period of service to get his pension and naturally, he cannot claim pension under the</i></p>	

ORDER SHEETKACHI DHALI.
.....

Form No.

Vs.Case No. **OA 797 of 2018.**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><i>rule.</i></p> <p><i>On hearing both Mr. Nandi, Mr. Banerjee as well as Mr. Mitra, we dispose of this application with direction that the authority must sanction admissible benefit on superannuation in favour of the petitioner within a period of 4 (four) months from communication of this order and at the same time, the authority must honour the earlier order of this Tribunal preventing it from realizing the excess payment from the petitioner. With the above observation, the application stands disposed of.....”.</i></p> <p>Keeping the said order in mind, this application is disposed of by directing the Assistant Director of Agriculture (Administration) – the respondent no. 4 to give the break up of sum of Rs. 28565/- released on 3rd January, 2012 to the applicant within twelve weeks from the date of presentation of a copy of this order. The said respondent no. 4 shall also release group insurance, provident fund and gratuity, if not already paid, within twelve weeks from the date of applying in the proper format by the applicant.</p> <p>So far as the memo dated 3rd March, 2017</p>	

ORDER SHEETKACHI DHALI.
.....

Form No.

Vs.Case No. **OA 797 of 2018.**
.....

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
Skg.	<p>issued by the respondent no. 4 to the respondent no. 2 is concerned, the respondent no. 2 is directed to return the approved reconstructed service book of the applicant to the respondent no.4, if not already sent, within twelve weeks from the date of intimation of this order and thereafter the respondent no. 4 shall send it to the Principal Accountant General (A & E) West Bengal, Kolkata – the respondent no. 5 within eight weeks with pension papers, if required. After receipt of the same the respondent no. 5 shall dispose of the matter by releasing the pensionary benefits within twelve weeks in accordance with law.</p> <p>(Subesh Kumar Das) Member(A).</p> <p>(Soumitra Pal) Chairman.</p>	

ORDER SHEETKACHI DHALI.
.....

Form No.

Vs.Case No. **OA 797 of 2018.**
.....

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
---------------------------------------	---	--