

**ORDER SHEET**

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Present-**

**The Hon'ble Justice Ranjit Kumar Bag  
& The Hon'ble Dr. Subesh Kumar Das**

**Case No – OA 802 OF 2016**

Smt. Jayanti Banerjee & Anr. 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
13 10.12.2019	<p>For the Applicants : Mr. K. Chakraborty, Mrs. S. Mitra, Learned Advocates.</p> <p>For the Respondents : Mr. S. Ghosh, Learned Advocate.</p> <p>For the AG (A&amp;E),WB : Mr. B. Mitra, Departmental Representative.</p> <p>The applicants have prayed for direction upon the respondents for payment of life-time arrears of pension of Amal Kumar Banerjee, retiring gratuity of Amal Kumar Banerjee, family pension of the applicant no. 1 along with arrears of family pension and interest on arrears of gratuity, life-time arrears of pension and family pension.</p> <p>One Amal Kumar Banerjee was working as Helper, Grade-I in the office of the Assistant Engineer, Agri-Mech, Ranaghat in the district of Nadia. He retired from service on April 30, 2007 and died on June 25, 2009. The contention of the applicants is that Amal Kumar Banerjee died leaving behind the applicant no. 1 - Jayanti Banerjee as wife and the applicant no. 2 – Arijit Banerjee as son, who happen to be the legal heirs of the deceased Amal Kumar Banerjee. The further contention of the applicants is that Amal Kumar Banerjee did not receive pension, gratuity, leave salary after retirement from service as he could</p>	

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not make the repayment of House Building Loan (in short, HBL) obtained by him while he was in service. It is contented on behalf of the applicants that the amount of outstanding HBL till the time of death of Amal Kumar Banerjee was Rs.2,14,666/-. The grievance of the applicants is also that the applicant no. 1 has not received family pension till date.

The reply submitted by the state respondents indicate that the correspondences were made between the applicants and the respondent no. 4 on the one hand and between the respondent no. 4 and the respondent AG, West Bengal on the other hand. It appears from the said correspondences that the applicant no. 1 had sworn one affidavit on June 15, 2015 by making a declaration that the entire amount of HBL of her husband may be deducted from the retirement benefits of her deceased husband. Admittedly, nothing is on record to indicate that the deceased Amal Kumar Banerjee prayed for commutation of pension and as such the release of commuted value of pension does not arise in this case.

Having heard Learned Counsel representing both parties and the Departmental Representative of the respondent AG, West Bengal, we find from the letter dated May 31, 2018 issued by the Senior Accounts Officer of the office of AG, West Bengal in favour of the Treasury Officer, Barrackpore-II in the district of North 24-Parganas that the applicants are entitled to get life-time

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arrears of pension of deceased Amal Kumar Banerjee @ Rs.6,055/- per month during the period from May 1, 2007 to June 25, 2009. However, the retiring gratuity to the tune of Rs.1,63,485/- cannot be paid as the said amount of Rs.1,63,485/- out of total amount of HBL of Rs.2,14,666/- will be deducted from the said retiring gratuity of the deceased Amal Kumar Banerjee. The said letter specifically indicates that the balance amount of HBL of Amal Kumar Banerjee to the tune of Rs.51,181/- will be deducted from the Dearness Relief of family pension sanctioned in favour of applicant no. 1 @ Rs.6,055/- per month w.e.f. June 26, 2009 to April 15, 2014 and @ Rs.3,633/- per month w.e.f. April 16, 2014 till date. We do not find any impediment in releasing family pension in favour of the applicant no. 1 and Life-Time Arrears of pension in favour of both the applicant no. 1 and the applicant no. 2 in equal half share by the Treasury Officer, Barrackpore-II within specific period of time.

Under the above circumstances, the respondent no. 6, Treasury Officer, Barrackpore-II Treasury is directed to release Life-Time Arrears of pension of Amal Kumar Banerjee in favour of both the applicant no. 1 and the applicant no. 2 in equal half share and family pension along with arrears of family pension in favour of the applicant no. 1 alone in terms of letter of the Accounts Officer of the office of AG, West Bengal dated May 21, 2019 and May 3, 2018 within a period of 12 (twelve) weeks from the date of appearance of both the applicants before the said

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respondent No. 6, Treasury Officer, Barrackpore-II Treasury along with valid photo identity card and details of the bank account within a period of 4 (four) weeks from the date of this order.

With the above direction, the original application is **disposed of.**

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

( S.K. DAS )  
MEMBER(A)

( R. K. BAG )  
MEMBER (J)

Sanjib