

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

The Hon'ble Justice Ranjit Kumar Bag, Member(J)

The Hon'ble Dr. Subesh Kumar Das, Member (A)

Case No – OA-885 of 2018.Jugal Kishore Ghosh. Vs The State of West Bengal & 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>01</p> <hr/> <p>05/11/2018</p>	<p>For the Applicants : Mr. D. Dutta, Ld.Advocate.</p> <p>For the State Respondents: Mr. M.N. Roy, (Nos.1 to 6) Ld. Advocate</p> <p><i>The petitioner retired as Inspector of Police on November 30, 2016. The petitioner has retained the quarters (Flat 2 Block I of Tollygunge Police Housing Estate) after his retirement on November 30, 2016 without payment of rent.</i></p> <p><i>The contention of the petitioner is that departmental enquiry initiated against the petitioner has not yet been concluded resulting in non payment of pension and gratuity to the petitioner till date. Ld. Counsel representing the state respondents submits that the petitioner has not given reply to the second show cause notice served on him on July 28, 2018 and as such the departmental enquiry could not be concluded by the disciplinary authority. He further submits that the retirement benefits could not be disbursed in favour of the petitioner due to pendency of the disciplinary proceeding against him.</i></p> <p><i>Having heard Ld. Counsel representing both</i></p>	

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Jugal Kishore Ghosh .

Form No. ....

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SC/ GM	<p><i>the parties and on consideration of the impugned notice dated October 13, 2018 issued by the respondent No.7 (Annexure D to the original application), we are of the view that the petitioner has no right to retain the government quarters after retirement from service. Moreover, there is nothing on record to indicate that the petitioner has been paying rent at the market rate for occupying the government quarters after his retirement on November 30, 2016 till date. However, the petitioner is at liberty to occupy the said government quarters till 30<sup>th</sup> November 2018, subject to payment of rent at market rate from December 1, 2016 till November 30, 2018. The petitioner must vacate the quarters after expiry of November 30, 2018. With the above observation the original application stands <b>disposed of.</b></i></p> <p><b>DR. SUBESH KUMAR DAS</b>      <b>RANJIT KUMAR BAG</b> <b>MEMBER(A)</b>                              <b>MEMBER(J)</b></p>	