

**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 887 of 2018.

PROMOD KUMAR CHAKRABORTY -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 style="text-align: center;">2</p> <hr/> <p>25.2.2019.</p>	<p>For the Applicant : Mr. A.K. Das Sinha, Mr. A. Samad, Advocates.</p> <p>For the State Respondent : Mrs. S. Bandyopadhyay, Advocate.</p> <p style="text-align: center;">In this application the applicant, who retired as driver in the State Armed Police, 3<sup>rd</sup> Battalion, Barrackpore, has challenged the order dated 5<sup>th</sup> December, 2017 issued by the Commandant, State Armed Police, 3<sup>rd</sup> Battalion, Barrackpore, West Bengal, - the respondent no 4, whereby his prayer for voluntary resignation was accepted with effect from 5<sup>th</sup> December, 2017 and pension was allowed from 6<sup>th</sup> December, 2017 and his name was stuck off from the master role of the unit with effect from 5<sup>th</sup> December, 2017.</p> <p style="text-align: center;">Mr. A.K. Das Sinha, learned advocate on behalf of the applicant submits that the impugned order is illegal because neither any intimation nor any notice was served on the applicant for such voluntary retirement and the applicant was not mentally prepared for such order of voluntary retirement with retrospective effect.</p> <p style="text-align: center;">Mrs. S. Bandyopadhyay, learned advocate</p>	

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Skg.	<p>appearing on behalf of the State respondent on instruction submits that after the order dated 5<sup>th</sup> December, 2017 was passed, the applicant had applied for pension and accordingly Pension Payment Order was issued and the applicant is now drawing pension, which is not disputed by Mr. Das Sinha.</p> <p>Having heard the learned advocates for the parties, since after the order dated 5<sup>th</sup> December, 2017, which is under challenge, as the applicant had submitted the form for drawing pension and thereafter Pension Payment Order was issued and now he is drawing pension and as he cannot now turn back and challenge the impugned order dated 5<sup>th</sup> December, 2017 issued by the respondent no. 4, there is no merit in the application. Hence the application is dismissed.</p> <p>(Subesh Kumar Das) Member(A).</p> <p>(Soumitra Pal) Chairman.</p>	

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