

**ORDER SHEET**

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Present-**

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

**Case No – OA 983 OF 2016**

Sudhangshu Bhowal 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
11 02.04.2019	<p>For the Applicant : Mr. N.C. Mondal, Learned Advocate.</p> <p>For the Respondent : None.</p> <p>The applicant has prayed for direction upon the respondents for release of retirement benefits and arrears of pension along with interest @ 12% per annum.</p> <p>The contention of the applicant is that the applicant has already received pension, amount of GPF and all other retirement benefits except leave salary for the period of 241 days. It appears from the materials on record that the respondent no. 5, Sub-Divisional Controller (Food &amp; Supplies), Jangipur initially issued the order for disbursement of leave salary for 300 days, but subsequently modified the said order by granting leave salary for 59 days. The applicant previously approached this Tribunal praying for pension and other retirement benefits as the pension and other retirement benefits of the applicant were withheld due to pendency of the criminal proceeding under section 125 of Code of Criminal Procedure against the applicant. On February 12, 2013 this Tribunal gave direction in OA-777 of 2011 for disbursement of the amount of pension and other retirement benefits in favour of the applicant. The revised PPO was issued only when the applicant moved</p>	

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contempt application being CCP-74 of 2013 which was disposed of on November 13, 2013. However, the applicant approached the Hon'ble High Court against the order passed by the Tribunal by filing WPST 69 of 2014. On March 10, 2016, the Division Bench of the Hon'ble High Court disposed of WPST 69 of 2014 by observing that if the petitioner is aggrieved for grant of leave salary for 59 days by the State, he is free to approach proper forum for redressal of his grievance. The applicant did not approach the pension sanctioning authority for grant of leave salary for the balance period of 241 days by filing any application. Since the applicant has not approached the proper forum for redressal of the grievance for not granting balance amount of leave salary by the State, we are not in a position to give any relief to the applicant in the instant application.

Accordingly, the present application is **dismissed** with liberty to the applicant to approach the proper forum for redressal of the grievance if the applicant is entitled to higher amount of leave encashment.

( S.K. DAS )  
MEMBER(A)

( R. K. BAG )  
MEMBER (J)

Sanjib