

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

The Hon'ble Justice Soumitra Pal (Chairman)
& The Hon'ble Mr. Subesh Kumar Das (Administrative Member)

Case No –OA 681 OF 2014

SAMAR KUMAR BASU 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
<p>18</p> <hr/> <p>11.12.2018</p>	<p>For the Applicant : Mr. S. N. Ray, Advocate</p> <p>For Respondent : Mr. S. Ghosh, Advocate</p> <p>In this application, the applicant, who had worked in the Food Department and had retired on 31st July, 2011, has prayed for a direction upon the respondents to pay interest on delayed payment of superannuation benefit including pension after considering the representation of the applicant dated 23rd September, 2013. It is submitted by Mr. S.N. Ray, learned advocate for the applicant that though it is evident from the written reply to the application that ultimately the unauthorised absence of his client was regularised after several requests and reminders on 18th December, 2012 and as there was delay on the part of the respondents in releasing the pension and as other superannuation benefits were also given belatedly as evident from page 5 of the application, appropriate order may be passed for grant of interest. In this regard our attention has been drawn to paragraph 5 (c) of the written reply of the State respondents as well as paragraph 5 sub-paragraph (II) and (III) of the rejoinder.</p>	

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	<p>Mr. S. Ghosh, learned advocate appearing on behalf of the respondents submits that as the applicant was absent unauthorisedly, it was his duty to apply for regularising the leave. Not having done so, he is not entitled to interest as prayed for.</p> <p>In reply it is submitted by Mr. Ray that as it is evident from paragraph 5 (c) that after several requests and reminders, the unauthorised absence of 24 days was regularised, the applicant is entitled to the orders as prayed for.</p> <p>Heard Mr. Ray and Mr. Ghosh. The applicant had superannuated on 31st July, 2011. It appears that after “several requests and reminders” the unauthorised absence of the applicant from 13th February, 2009 to 8th March, 2009, was “ultimately”.....“was regularised by the respondent no.2 under his order no. HPH/3” R”-01/2012/400/1(3), dated 18.12.2012 which order was received by the Assistant Chief Medical Officer of Health, Jalpaiguri (Sadar), Jalpaiguri, the respondent no.4 on 07.01.2013.”(paragraph 5 (c) of the written reply) It is to be noted that during January, 2013 the applicant was posted at Jalpaiguri. So it is clear from the paragraph 5 (c) of the written reply that there was delay on the part of the respondents in dealing with the issue of unauthorised absence which was regularised after several requests and</p>	

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SCN.	<p>reminders. Therefore, the applicant is entitled to interest.</p> <p>Hence, having heard the learned advocates for the parties and considering the facts and circumstances of the case, this application is disposed of by directing the Director of Health Services, Government of West Bengal, the respondent no.2 to grant interest @ 8% per annum on cash equivalent to leave salary, retiring gratuity, commuted value of pension, life time arrear of pension, including pension with effect from 11th September, 2011 to the preceding month in which payment is actually made, within ten weeks from the date of presentation of a copy of this order.</p> <p>(S.K. Das) MEMBER (A)</p> <p>(Soumitra Pal) CHAIRMAN</p>	