

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

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

Case No – **OA 1162 OF 2016**

Jitendra Nath Mondal 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
9 21.02.2019	<p>For the Applicants : Mr. N. Paitandi, Learned Advocate.</p> <p>For the Respondents : Mr. R.A. Chowdhury, Learned Advocate.</p> <p>The applicant has prayed for direction upon the respondents for grant of provisional pension w.e.f. August 1, 2014 in terms of the provisions of Rule 10(2) of West Bengal Services (Death-cum-Retirement Benefit) Rules, 1971 (in short, DCRB Rules, 1971).</p> <p>The contention of the applicant is that on December 24, 2013 when the applicant was working as Forest Range Officer under the respondent No. 4, Divisional Forest Officer, Nadia, Murshidabad Division, disciplinary proceeding was initiated against the applicant by issuance of charge sheet. The further contention of the applicant is that the disciplinary proceeding is still continuing against the applicant even after attaining the age of superannuation in terms of the provisions of Rule 10 of the DCRB Rules, 1971. Learned Counsel representing the applicant submits that the applicant has received provisional pension upto the month of September, 2018 in an irregular manner in terms of the provisions of Rule 10 (2) of the DCRB Rules, 1971.</p>	

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Learned Counsel representing the State respondents submits that the provisional pension payable to the applicant after March, 2017 is in the process of revision and the same will be paid to the applicant in due course.

Since the disciplinary proceeding has not yet been concluded, we are of the view that the applicant is entitled to get provisional pension in terms of the provisions of Rule 10 (2) of the DCRB Rules, 1971. Learned Counsel for the applicant submits that the applicant has already received provisional pension upto the month of September, 2018. Accordingly, respondent No. 3, Additional Principal Chief Conservator of Forest, Human Resource Development, Government of West Bengal is directed to take necessary steps for grant of provisional pension in favour of the applicant in terms of the provisions of Rule 10 (2) of the DCRB Rules, 1971 from the month of October, 2018 till the conclusion of disciplinary proceeding pending against the applicant within a period of twelve weeks from the date of communication of the order.

With the above direction, the original application stands disposed of.

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

(S.K. DAS)
MEMBER(A)

(R. K. BAG)
MEMBER (J)

Rajib

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