

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

The Hon'ble Smt. Urmita Datta (Sen), Member (J)

& The Hon'ble P. Ramesh Kumar, Member (A)

Case No OA-1312 of 2012**Pasupati Tola –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 style="text-align: center;"><u>27</u> 08.01.2019</p>	<p><i>For the Applicant : Mr. G.P. Banerjee, Advocate.</i></p> <p><i>For the Respondents : None.</i></p> <p><i>The instant application has been filed praying for following relief:</i></p> <p><i>“A) A mandatory order directing the respondents to give 18% interest to the applicant on his arrears pension for the period from 01.04.1997 to 30.11.2011 and to act in accordance with law.</i></p> <p><i>B) An order directing the respondents to certify and transmit the record of his case to this Hon'ble Tribunal so that on perusal conscionable justice may be administered by quashing adverse report if there be any.</i></p> <p><i>C) Pass such other or further order or orders as to this Hon'ble Tribunal may deem fit and proper.”</i></p> <p><i>As per the applicant, he retired on superannuation on 30.06.1996. As no pensionary benefit was received by him, being aggrieved with he had filed one O.A. No. 410/2010</i></p>	

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	<p><i>which was disposed of vide order dated 07.08.2010 with a direction to the respondents to release the pension of the applicant with arrears as per revised pension and gratuity. Even thereafter also no pensionary benefit was released in favour of him. In view of the above, the applicant had filed one Contempt Petition No. 92 of 2011 and subsequently he was paid with the pensionary benefit on 30.11.2011, which would be evident from the latter dated 14.11.2011 on Treasury Office, Contai Treasury, Purba Medinipur. According to the applicant, since he was entitled to get pension and all other retiral benefits from the date of his superannuation but was paid in the year 2011 only. Therefore, as per the applicant, he is entitled for interest for such delayed payment.</i></p> <p><i>Though the instant application has been filed in the year 2012 and sufficient opportunity had been granted to the respondents to file their reply but till date no reply has been filed. Therefore the matter has been taken for final hearing.</i></p> <p><i>Heard the counsel for the applicant and perused the record. It is noted that admittedly the revised pension and pensionary benefits had been disbursed to the applicant in</i></p>	

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A.K.P.	<p><i>the year 2011 only for no fault of the applicant as there was no disciplinary proceedings or criminal proceedings against the applicant as per submission of the applicant. In view of the above, the respondents are directed to pay interest at the rate of 8% from the date of his entitlement as per the R1998 till the date of his actual payment within a period of two months from the date of receipt of the order. Accordingly, the O.A. is disposed of.</i></p> <p>P. RAMESH KUMAR MEMBER (A)</p> <p>URMITA DATTA (SEN) MEMBER (J)</p>	