

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

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

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

Case No – OA-156 of 2017.Iar Mohammad Midda. 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>16</p> <p>-----</p> <p>23-04-2019</p>	<p>For the Applicant : Mr.S.N. Roy, Advocate.</p> <p>For the State Respondent : Mr.A. L. Basu, Advocate.</p> <p>The instant application has been filed praying for the following reliefs :-</p> <p><b>(a) An order do issue directing thereby the respondent authorities to grant and disburse the arrear pension on and from 01-08-2011 till date, regular pension, gratuity, C.V.P, and other retrial benefits in accordance with law within a stipulated time period after setting aside/cancelling/rescinding/revoking/ quashing/withdrawing the departmental proceeding under</b></p>	

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	<p><b>Rule 10 of the West Bengal Services (Classification, Control and Appeal) Rules, 1971 on the charges framed against him vide Department's Memorandum No. 97 – IE (V) dated, Kolkata the 7<sup>th</sup> July, 2011, second show cause notice vide No. 699-IE (V) dated 13-03-2015 proposing penalty of pension cut of 10% for five years issued by the respondent authorities, without any further delay in accordance with law within a stipulated time period.</b></p> <p><b>(b) An order do issue directing the respondent authorities to disburse and pay the arrear pension on and from 01-08-2011 till date, regular pension, gratuity, C.V.P, and other retrial benefits @ 18% per annum till the actual date of realization of the same.</b></p> <p><b>(c) An order do issue directing the respondent authorities to transmit</b></p>	

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	<p><b>all relevant file/documents pertaining to this instant case so that conscionable justice be rendered.</b></p> <p><b>(d) Any other appropriate order/orders direction/directions as this Hon'ble Tribunal may deem fit and proper to protect the right of the Applicant.</b></p> <p>During the course of the hearing, the Counsel for the applicant has submitted that he is not pressing prayer 'A'. However his purpose would be served if the authority would be directed to disburse the pay and arrear pension from 01-08-2011 to till date along with other retrial benefits. He has further submitted that since he is getting provisional pension only after his retirement that may be adjusted from the admissible amount. The Counsel for the respondent has no objection to such proposition.</p> <p>Heard the parties and perused the records. It is noted that the applicant has not challenged</p>	

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Mihir	<p>the disciplinary proceeding. Therefore the respondent no. 1 is directed to take appropriate step to disburse and pay the arrear admissible pension as per the final order dated 22-11-2018 (after 10% cut in pension for 5(five) years) by adjusting provisional pension paid so far and also other retrial benefits as admissible in accordance with the law and Rules within a period of 8(eight) weeks from the date of receipt of this order. Accordingly, the OA is disposed of with no order as to cost.</p> <p><b>P. RAMESH KUMAR MEMBER(A)</b></p> <p><b>URMITA DATTA (SEN) MEMBER(J)</b></p>	