

ORDER SHEET
WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

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

Case No – OA 391 OF 2015

Sasanka Sekhar Chakraborty 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
16 13.01.2020	<p>For the Applicant : Mr. A. Sinha, Learned Advocate.</p> <p>For the Respondents : Mrs. S. Agarwal, Learned Advocate.</p> <p>For A.G. (A & E), W.B. : Mr. B. Mitra, Departmental Representative.</p> <p>Additional Reply filed on behalf of the state respondents today is kept on record.</p> <p>The applicant has prayed for direction upon the respondents for payment of the amount of Group Insurance and interest on arrears of salary, interest on Pension, Gratuity and Leave Encashment for inordinate delay in payment of arrears of salary, pension and other retirement benefits.</p> <p>The applicant joined in the service as Lower Division Assistant in the Department of Relief and Welfare, Government of West Bengal on November 11, 1979. He got promotion to the post of Inspector of Entry Tax under the Department of Entry Tax on September 01, 1981. The contention of the applicant is that he got promotion to the post of Inspector of Revenue Intelligence under Directorate of Revenue Intelligence due to abolition of Department of Entry Tax in the year 1995. Ultimately, the applicant retired from the post of Assistant Director under Department of Consumer Affairs and Fair Business Practice, Government of West Bengal on January 31, 2011. The</p>	

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further contention of the applicant is that the amount of arrears of salary to the tune of Rs. 6,75,420/- was prepared in the month of August 2008 but the same was ultimately paid to the applicant on August 11, 2016. The amount of Gratuity to the tune of Rs. 5,42,910/- was paid to the applicant on January 03, 2017 though he retired on January 31, 2011. The amount of leave salary to the tune of Rs. 3,43,490/- was disbursed in favour of the applicant on January 10, 2017, though he retired on January 31, 2011. The arrears of pension to the tune of Rs. 14,84,369/- was paid to the applicant in the month of January 2017 and the said arrears of pension were calculated for the period from February 2011 to December 2016. The amount of Group Insurance has not yet been disbursed in favour of the applicant and thereby the applicant is aggrieved.

Having heard Learned Counsel for the applicant, Learned Counsel for the state respondents and the Departmental Representative of the respondent A.G., W.B., we find that the applicant retired from service on January 31, 2011. Admittedly, the bill for arrears of salary of the applicant to the tune of Rs. 6,75,420/- was prepared in the month of August 2008, but the said amount was disbursed in favour of the applicant on August 11, 2016. This delay of more than seven (07) years is attributed to the conduct of officials working under the respondents. In our view, the applicant is entitled to get interest on the amount of arrears of salary to the tune of Rs. 6,75,420/- during the period from January 01, 2009 to July 31, 2016, after giving allowances of four (04) months for processing the said bill for payment.

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No cogent explanation is forthcoming from the state respondents for delay of about six (06) years for payment of Leave Encashment, Gratuity and Pension to the applicant after his superannuation from service. The amount of Gratuity to the tune of Rs. 5,42,910/- was received by the applicant on January 03, 2017 after his retirement on January 31, 2011. We would like to give allowances of about six (06) months for processing the pension and other retirement benefits like Gratuity, Leave Encashment etc. for the purpose of actual disbursement of the said amount of money. Accordingly, the applicant is entitled to get interest on the amount of Gratuity to the tune of Rs. 5,42,910/- during the period from August 01, 2011 to December 31, 2016 and the amount of Leave Encashment to the tune of Rs. 3,43,490/- during the period from August 01, 2011 to December 31, 2016. The amount of pension to be paid to the retired government employee may vary from month to month depending on increase of Dearness Relief on the basic pension on different point of time and thereby we cannot persuade ourselves to grant any interest in favour of the applicant for delayed payment of arrears of pension to the tune of Rs. 14,84,369/-.

The state respondents have miserably failed to explain to our satisfaction why the amount of Group Insurance has not been disbursed in favour of the applicant even after nine (09) years of retirement from service. The applicant must be paid the amount of Group Insurance to which he is entitled without any further verification, if not already paid within the stipulated period of time fixed

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by us in this order.

On consideration of the amount of interest paid by the Nationalised Bank on Long Term Fixed Deposit and the interest paid on the amount of G.P.F. and P.P.F., we are inclined to grant interest in favour of the applicant at the rate 8% per annum.

In view of our above observations, we direct the respondent no. 2, Director of Consumer Affairs and Fair Business Practice, Government of West Bengal to take all necessary steps for disbursement of the amount of Group Insurance in favour of the applicant within a period of twelve (12) weeks from the date of communication of the order. The said respondent no. 2 is further directed to pay interest @8% per annum on the amount of arrears of salary of the applicant to the tune of Rs. 6,75,420/- during the period from January 01, 2009 to July 31, 2016, the amount of Gratuity to the tune of Rs. 5,42,910/- during the period from August 01, 2011 to December 31, 2016 and the amount of Leave Encashment to the tune of Rs. 3,43,490/- during the period from August 01, 2011 to December 31, 2016 within a period of twelve (12) weeks from the date of communication of the order.

With the above direction, the original application is **disposed of**.

Let a **Plain Copy** of the order be supplied to both parties.

(**S.K. DAS**)
MEMBER(A)

(**R. K. BAG**)
MEMBER (J)

CSM