

**ORDER SHEET**

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Present-**

**The Hon'ble JUSTICE RANJIT KUMAR BAG**

**& The Hon'ble DR. SUBESH KUMAR DAS**

**Case No – OA 645 OF 2018**

*Dr. Siddhartha Swarup Sarker 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 <hr/> 26.08.2020	<p><i>For the Applicant : Mr. S. S. Sarker, Appears in person.</i></p> <p><i>For the State Respondents : Mr. S.N. Ray, Mr. S. Ghosh, Learned Advocates.</i></p> <p><i>For P.S.C. , W.B.: Mr. : S. Bhattacharya, Learned Advocate.</i></p> <p style="text-align: center;"><i>The applicant Mr. Siddhartha Swarup Sarker appearing in person submits that the provisional pension in terms of the interim order of the Tribunal has not been paid for about last one year. He further submits that the hearing is almost concluded from his end and as such an early date may be fixed for submission on behalf of the respondents.</i></p> <p style="text-align: center;"><i>Mr. S.N. Ray and Mr. S. Ghosh, Learned Counsel representing the state respondents, jointly submit that the delay in payment of provisional pension is due to disruption in normal functioning of the Department for prevalent pandemic of corona virus. Mr. Ghosh further submits that the payment of provisional pension will be done without delay as directed by the Tribunal.</i></p> <p style="text-align: center;"><i>Mr. Bhattacharya, Learned Counsel has prayed for accommodation on the ground of Mr. A.L. Basu, Learned Counsel representing the respondent PSC, West Bengal.</i></p>	

## ORDER SHEET

*Dr. Siddhartha Swarup Sarker*

Form No. ....

**Vs.**

**The State of West Bengal & Ors.**

Case No. OA-645 of 2018

*Having heard both sides and on consideration of the materials on record, we find that on 12.10.2018 this Tribunal directed the respondent no. 2, Principal Secretary to the Government of West Bengal, Department of Personnel and Administrative Reforms to grant provisional pension in favour of the applicant for the service rendered by the applicant under the State of West Bengal w.e.f. September 01, 2016 within a period of 08 (eight) weeks from the date of communication of the order. Unfortunately, the respondent no. 2 blatantly violated the interim order dated October 10, 2018 by issuing an order on February 12, 2019 for grant of provisional pension to the applicant for a period of 12 (twelve) months from 01.03.2019 to 29.02.2020, subject to payment of Rs.63,750/- towards House Building Advance and Rs.11,92,934/- towards salary drawn by the applicant as Member of PSC, West Bengal. However, we observed in our order dated 12.02.2019 that the imposition of two conditions for disbursement of provisional pension by the respondent no. 2 was in violation of our interim order. Moreover, payment of provisional pension w.e.f. 01.03.2019 is also in violation of the interim order, as we gave specific direction for grant of provisional pension w.e.f. September 01, 2016. On 12.02.2019, we gave opportunity to the respondent no. 2 for modification of the order for payment of provisional pension in terms of the*

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*Dr. Siddhartha Swarup Sarker*

Form No.

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**Vs.**

**The State of West Bengal & Ors.**

Case No. OA-645 of 2018

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*interim order of the Tribunal. The modified order of the respondent no. 2 is not placed on record.*

*Since the provisional pension has not been disbursed in favour of the applicant on regular basis, we specifically direct the respondent no. 2, Principal Secretary to the Government of West Bengal, Department of Personnel and Administrative Reforms to ensure payment of provisional pension in favour of the applicant for the service rendered by him under the State of West Bengal w.e.f. September 01, 2016 till final decision of the Tribunal in OA-645 of 2018 including arrears of provisional pension within (08) eight weeks from this date. The respondent no. 2 must ensure payment of provisional pension of each month on regular basis at least within last date of next three months without fail. This interim order must be complied with by the respondent no. 2 within a period of (08) eight weeks from the date of the order.*

*List the matter under the heading “**Specially Fixed**” on 18.11.2020.*

*Let a plain copy of the order be supplied to all the parties immediately.*

( S.K.DAS)  
Member ( A)

( R.K.BAG)  
Member (J)

*Rajib/Sanjib*

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