

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

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

**Case No –OA 830 OF 2016**

**Dayal Mukherjee Vs The State of West Bengal & Ors.**

| Serial No. and<br>Date of order.<br>1 | Order of the Tribunal with signature<br>2                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Office action with date<br>and dated signature<br>of parties when necessary<br>3 |
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| <p>11</p> <hr/> <p>09.10.2018</p>     | <p>For the Applicant : Mrs. S. Agarwal,<br/>Learned Advocate.</p> <p>For the Respondents : None.</p> <p>For A.G., W.B. : Mr. B. Mitra,<br/>Departmental Representative.</p> <p>Supplementary application filed on behalf of the applicant is<br/>already on record.</p> <p>The applicant has prayed for direction upon the respondents to<br/>pay interest @18% p.a. on delayed payment of retirement benefits<br/>and pension of the applicant.</p> <p>It appears from the materials on record that the applicant<br/>retired from service as Sub-Inspector of Police on January 31, 2008.<br/>Admittedly, disciplinary proceeding was initiated against the<br/>applicant in the year 2002. The applicant unsuccessfully moved the<br/>Tribunal for quashing of the disciplinary proceeding, but the same<br/>proceeding continued till the year 2015. The period for conclusion<br/>of the disciplinary proceeding was extended from time to time with<br/>the leave of the Tribunal/Court. Ultimately, the proceeding was<br/>not concluded and on October 14, 2015 the Division Bench of the<br/>Hon'ble High Court quashed the disciplinary proceeding pending<br/>against the applicant by passing an order in WPST No. 363 of 2012.</p> |                                                                                  |

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|                                       | <p>The grievance of the applicant is that the pension and retirement benefits of the applicant were withheld during long period after retirement of the applicant on January 31, 2008 till the year 2015.</p> <p>None appears on behalf of the State respondents. Having heard Learned Counsel for the applicant and the Departmental Representative of the Respondent A.G, West Bengal, we find that the disciplinary proceeding was quashed by the order of the Hon'ble High Court on October 14, 2015. The question of giving retirement benefits and pension to the applicant does not arise before conclusion of the disciplinary proceeding. Naturally, we do not find any justification in the grievance of the applicant for delayed payment of pension and retirement benefits. There is nothing on record to establish that the delay in conclusion of the disciplinary proceeding can be attributed to the conduct of the state respondents. So, the applicant is not entitled to get any interest on delayed payment of retirement benefits due to pendency of the disciplinary proceedings. The applicant has prayed for interest on the amount of gratuity received by the applicant on July 16, 2015, though the applicant is not entitled to get interest on gratuity till the date of the order of the Hon'ble High Court for quashing of the disciplinary proceeding on October 14, 2015. The other retirement benefits disclosed by the applicant in the supplementary application include arrears of pension of Rs.65,975/-, Rs.1,16,820/-, Rs.1,81,628/- which have been received by the applicant in the month of July or September of the year 2015. We have already observed that the applicant was not entitled to get retirement benefits during pendency of the</p> |                                                                                  |

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| Rajib                                 | <p>disciplinary proceeding which was dropped by the order of the Hon'ble High Court only on October 14, 2015. However, the arrears of pension to the tune of Rs.3,05,317/- was received by the applicant on March 1, 2016 and the applicant is entitled to get interest on the said amount of money after quashing of the disciplinary proceeding on October 14, 2015.</p> <p>On consideration of rate of interest given for GPF or PPF or rate of interest given by the nationalised bank on long term fixed deposit, we are of the view that the applicant is entitled to get interest @8% p.a. Since the applicant is entitled to get interest only after October, 2015 till the date of actual payment of arrears of pension of Rs.3,05,317/- on March 1, 2016, we are of the view that the applicant is entitled to get interest on the above amount of money from November, 2015 to February, 2016.</p> <p>In view of our above findings, the Respondent No. 3, Superintendent of Police, Murshidabad is directed to pay interest to the applicant @8% p.a. on amount of Rs.3,05,317/- during the period from November 1, 2015 to February 28, 2016 within a period of eight weeks from the date of communication of the order.</p> <p>With the above direction, the original application stands disposed of.</p> <p style="text-align: center;"><b>S. K. DAS</b><br/><b>MEMBER(A)</b></p> <p style="text-align: center;"><b>R. K. BAG</b><br/><b>MEMBER(J)</b></p> |                                                                                  |

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| Rajib                                 |                                           |                                                                                  |



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