

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

The Hon'ble Justice Soumitra Pal (Chairman)  
& The Hon'ble Mr. Subesh Kumar Das (Administrative Member)

Case No –OA 419 OF 2018

**DILIP KUMAR 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
<p>1</p> <hr/> <p>01.10.2018</p>	<p>For the Applicant : Mrs. S. Agarwal Advocate</p> <p>For the Respondents: Mr. B. K. Roy Advocate</p> <p>Affidavit of service filed today be kept on record.</p> <p>In this application, the applicant, who had retired from service on superannuation on 31<sup>st</sup> March, 2008 as Executive Assistant from Mira-I Gram Panchayat under Kaligunj Development Block, Nadia, has prayed for a direction upon the respondents to grant interest on the delayed payment of retiral dues.</p> <p>It appears that disciplinary proceedings initiated against the applicant were concluded on 10<sup>th</sup> August, 2009 with the passing of the order by the District Magistrate directing reduction of pay of the applicant one stage lower in the time scale of pay with effect from October, 2007 till his retirement and the said order was kept in abeyance. It has been stated that the applicant has received gratuity, commutation of pension and leave salary in March, 2010, that is after about two years from the date of retirement, without</p>	

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interest. It appears that earlier the applicant had moved an application being OA. No. 98 of 2016, which was disposed of on 9<sup>th</sup> May, 2016 by granting liberty to the applicant to file a proper representation before the District Magistrate, Nadia, Krishnanagar, the respondent no.2 and directing the said respondent to dispose of the said representation, if possible, within three months from the date of receiving the said representation and to communicate his decision to the applicant within two weeks thereafter. The applicant has prayed for implementation of the said order dated 9<sup>th</sup> May, 2016.

Mrs. S. Agarwal, learned advocate appearing on behalf of the applicant submits on instruction that the applicant has accepted the order passed by the Disciplinary Authority. Further it is submitted that gratuity amounting to Rs. 2,84,295/- and commutation of pension of Rs. 3,38,838/- were paid by cheque issued by the B.D.O., Kaliganj, Nadia on 26<sup>th</sup> April, 2010 without interest. Further leave salary of Rs. 1,73,300/- was also paid by cheque issued by the B.D.O., Kaliganj, Nadia on 31<sup>st</sup> May, 2010 without interest. It is submitted that since the order dated 9<sup>th</sup> May, 2016 is yet to be implemented, the District Magistrate, Nadia, Krishnanagar, respondent no.2 may be directed to implement the said order.

Mr. B.K. Ray, learned advocate for the State respondent submits that the dues were withheld due to

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SCN.	<p>pendency of disciplinary proceedings. Ultimately the dues were released in April, 2009.</p> <p>Heard learned advocates for the parties. Since we find that the order dated 9<sup>th</sup> May, 2016, passed by the Tribunal in OA. No. 98 of 2016, is yet to be implemented, this application is disposed of by granting liberty to the applicant to file a representation ventilating his grievances within four weeks from the date of receipt of a copy of this order. If such representation is filed, the District Magistrate, Nadia, Krishnanagar, the respondent no.2, shall dispose of the same by passing a reasoned order to be communicated to the parties within fourteen weeks after giving an opportunity for hearing to the applicant and after verifying the records. It is also made clear that the reasoned order may be passed without being influenced by Memo No.1060 / P&amp;RD dated 24<sup>th</sup> August, 2017, issued by the respondent no.2 as the respondent no.2 is the ultimate authority to grant of interest. If it is found that the applicant is entitled to interest, it will be paid at the rate of 8%. It is also made clear that we have not gone into the merit of the matter and all points are left open to be dealt with by the respondent no.2, if representation is filed by the applicant.</p> <p>(S.K. Das) MEMBER (A)</p>	<p>(Soumitra Pal) CHAIRMAN</p>