

ORDER SHEET
WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson & Member (A)

Case No. – MA 89 of 2023 [OA 23 of 2023]

Bharati Chowdhury -- **VERSUS** – The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicant	: Mr. K. Bhattacharjee, Ld. Advocate.
For the State respondent	: Mr. S.N. Ray, Ld. Advocate.
For the Pr.AG (A&E), WB.	: Mr. B. Mitra, Ld. Depttl. Rep.

02
11.01.2024

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 638-WBAT/2J-15/2016 (Pt.-II) dated 23rd November, 2022 issued in exercise of the powers conferred under Section 5(6) of the Administrative Tribunals Act, 1985.

On consent of the learned counsels for the contesting parties, the case is taken up for consideration sitting singly.

Mr. Ray, learned counsel for the State respondents has submitted a set of papers showing the action taken by the respondent authorities. A particular document in this set of papers titled “Action Taken Report” describes that after approval of the DPI, the bill for provisional pension for the month of January, 2024 has been submitted before the Treasury vide Token No. 87936. Submission of Mr. Ray is that the provisional pension for the month of January, 2024 will be released once it is cleared by the Treasury. Mr. Ray draws attention to another document being memo 827 dated 22.12.2023. On reading this document, it appears that it is a sanction order for provisional pension of Rs.9710/- in the name of the applicant for a period of 12 months. Submission of Mr. Ray is that the provisional pension for the entire year has been sanctioned and will be preferred before the Treasury on monthly basis.

The Tribunal had also directed the respondent authority to process the regularisation of the leave period and service of the applicant. In terms of such a direction, reference is made to Memo. 213 dated 20.12.2023. In this Memo, the DPI has advised the Officer-in-Charge, Bethune College to submit a proposal for reconstruction of Service Book of the incumbent. Attention has also been drawn to a related document being memo dated 09.01.2024 in which it appears that the Department of Higher Education has approved the reconstruction of Service Book of Smt. Bharati Chowdhury, the applicant.

Form No.

Vs.

Case No. **MA 89 of 2023 [OA 23 of 2023]**

The State of West Bengal & Ors.

Submission is that once the Service Book is reconstructed, the entire period of leave and service will be regularised as per rules. Regarding the second direction of this Tribunal, Mr. Ray submits that the total leave period of the applicant has already been regularised. This is also confirmed by Mr. Bhattacharjee, learned counsel for the applicant. Finally, Mr. Ray submits that as per direction of this Tribunal the matters relating to provisional pension and regularisation of leave have been complied with. The only matter now remains pending is for sanction of regular pension. The above updates as given Mr. Ray on behalf of the respondent authority have been recorded.

Still not contended with the completion of the process Mr. Bhattacharjee, learned counsel for the applicant submits that though a month's provisional pension has been sanctioned, but it is yet to be assured that provisional pension for all the remaining 11 months will be sanctioned and released on time. Mr. Bhattacharjee is still aggrieved that the Service Book which is the primary document for processing the pension has not yet been reconstructed. Though there appears to be an approval from the Department for reconstruction of the Service Book but no assurance has been given regarding time limit by which it will be completed. Finally, Mr. Bhattacharjee is also not sure whether the pension which will be submitted before the office of Principal Accountant General (A&E), West Bengal after reconstruction of the Service Book will happen any time soon. Mr. Bhattacharjee finally requests the Tribunal and the authorities to expedite the process for sanction of pension for this lady who is today 80 years old and is bed-ridden.

For further updates on the remaining directions, let the matter appear under the heading "**Hearing**" on **21.03.2024**.

HS/SS

SAYEED AHMED BABA
Officiating Chairperson & Member (A)