

**ORDER SHEET**  
**WEST BENGAL ADMINISTRATIVE TRIBUNAL**  
Bikash Bhavan, Salt Lake, Kolkata – 700 091.

**Present-**

**THE HON'BLE SAYEED AHMED BABA, OFFICIATING CHAIRPERSON AND ADMINISTRATIVE MEMBER,**

**Case No. - OA 455 OF 2024**

**RAMESWAR SAREN & ANOTHER - Vs - THE STATE OF WEST BENGAL & OTHERS.**

Serial No. and  
Date of order

02  
23.04.2025

For the Applicants

:

Mr. Gourav Haldar  
Advocate

For the State Respondents

:

Mr. Manujendra Narayan Roy  
Advocate

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 23<sup>rd</sup> 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.

The applicant has prayed for a direction to the respondent authorities to give him interest amount @ 18 % per annum for delayed release of Gratuity and arrear pension from the date of death of his father. Sitaram Soren, the deceased father, was a Constable under State Armed Police who after taking voluntary retirement from service on 31.09.1976, died on 09.11.1992. In terms of a direction of this Tribunal in OA-109 of 2022 passed on 04.07.2022, Dhani Soren, the mother was favoured Family Pension and other benefits. The PPO to her was issued on 16.01.2024. In short, the applicant claims such an interest @ 18 % per annum from 09.11.1992 to 16.01.2024.

Mr.G.Haldar, learned counsel for the applicant has submitted that such claim is a legitimate claim, since there was inordinate delay in releasing the Family Pension to his mother. Mr.M.N.Roy, learned counsel for the State respondents present a set of documents and submits that this application is not admissible due to constructive res judicata. In the set of documents, enclosed a copy of the application's relief sought

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for in OA-109 of 2022. Argument of Mr.Roy is that in the earlier application also the applicant had prayed for an interest @ 18% per annum similar to what he has prayed in this application. However, the Tribunal had heard the matter in the earlier application including his prayer for payment of interest, but the Tribunal did not pass any directions with regard to payment of interest. By filing another application praying for the same prayers earlier, it is barred by res judicata.

Having heard the submissions of the learned counsels and after examination of the application, the Tribunal has to come to this clear conclusion that this prayer for payment of interest @ 18 % per annum was earlier filed before this Tribunal in OA-109 of 2022, therefore this application praying for interest again, it is barred by constructive res judicata. The Tribunal does not find this application admissible and it is disposed of without passing any directions.

**(SAYEED AHMED BABA)**  
**OFFICIATING CHAIRPERSON AND MEMBER (A)**

BLR