

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

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

Case No. –OA 545 of 2017

Shikha Paul -- VERSUS – The State of West Bengal & Others

Serial No. and
Date of order

For the Applicant

: Mr. G. Halder,
Learned Counsel.

22
15.05.2025

For the State Respondents

: Mr. G. P. Banerjee,
Learned Counsel.

For the Principal Accountant
General (A&E), West Bengal

: Mr. B. Mitra,
Learned Departmental Representative.

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.

By filing this application, the petitioner has prayed for a direction to the respondent authorities to pay her provisional pension along with arrears from the date of her retirement after setting aside the impugned memo no. 642 dated 23.05.2017.

The applicant was appointed as a Peon in the office of the District Registrar, Howrah on 17.08.1983. In 1994, the applicant appeared as a private candidate for the Matric Examination from Bihar Vidyalay Parikshya Samity. After having passed the examination, the applicant submitted her mark sheet and certificate of passing before the District Registrar and prayed for granting her promotion according to her new qualification. The applicant was promoted to the post of Lower Division Clerk on 12.03.2002. Later, a notice was issued to her on 27.07.2012 requiring her to appear before the Enquiring Officer. The Enquiry was relating to an allegation regarding genuineness of her educational qualification. After a preliminary enquiry, the department enquiry was initiated against her on the alleged charges of submitting a fake certificate of Matriculation. In the meantime, she superannuated on 31.01.2017 without receiving any pension. She submitted representations before the respondent

Form No.

Vs.

Case No. **OA 545 of 2017**

The State of West Bengal & Ors.

authorities for granting her provisional pension after her superannuation. A reply was filed on behalf of the State respondents, rejoinder has not been preferred by the applicant's side. In the reply, the state authorities argue that the applicant had not passed the said examination as confirmed by the Deputy Secretary, Bihar Vidyalaya Pariksha Samity, Patna. Further, the Samity vide their letter dated 20.03.2013 categorically stated that memo 1175 dated 08.04.2000 was not issued from their Samity.

The Tribunal has examined the letters of the District Registrar, Howrah addressed to the Secretary Bihar Vidyalaya Pariksha Samity, Patna. It is clear from these documents that the said authorities were correct in doubting the veracity of the certificate presented by the applicant claiming to have passed the class 10 examinations. The letter of the Deputy Secretary (Vigilance) of Bihar Vidyalaya Pariksha Samity, Patna another memo 1242 dated 27.03.2012 clearly states that the applicant, Shikha Paul (Roll No. 1133, serial no. 0079) failed in the said examination. It is clear beyond any reasonable doubt that the applicant had submitted a fake certificate to obtain promotion and such action was known to her and she successfully managed to get her promotion to the post of Lower Division Clerk.

Therefore, the Tribunal has come to the conclusion that the respondent authorities were correct in initiating a Disciplinary proceeding against her and not allowing her any pension. There was no infirmity or illegality in the action taken by the respondent authorities.

Thus, findings no merit in the prayer of this application, it is disposed of without passing any order.

Interim Order dated 04.07.2017 is vacated.

S.M.

SAYEED AHMED BABA
Officiating Chairperson & Member (A)