

**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 812 of 2023**

**Kanailal Biswas -- VERSUS – The State of West Bengal & Ors.**

Serial No. and  
Date of order

For the Applicant : Mrs. S. Agarwal, Ld. Advocate.

For the State Respondents : Mr. G.P. Banerjee, Ld. Advocate.

For the Pr.AG (A&E), WB : Mr. B. Mitra, Ld. Depttl. Rep.

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15.07.2024

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 23<sup>rd</sup> November, 2022 issued in exercise of the powers conferred under Section 5(6) of the Administrative Tribunals Act, 1985.

The case in brief is that the applicant while holding the post of UDC under ADSR, Alipore was involved in a criminal case which resulted in his suspension. By a direction of this Tribunal in an earlier application, the respondent authorities were advised to review the suspension order and pass necessary order. Satisfied that there was no need to continue with the order of suspension, his suspension order was revoked on 31.08.2009 and he was allowed to join his duty subject to final decision of the criminal proceedings. In the meantime, after attaining the age of superannuation, the applicant retired on 31.07.2016. His prayer in this application and similar prayers made before the respondent authorities was for release of his pensionary and other retiral benefits.

Mr. Banerjee, learned counsel has argued that no rule allows such sanction of pension and other retiral benefits to a superannuated employee as long as a criminal case is pending against him.

Mr. Mitra, learned departmental representative informs that though he is not entitled for regular pension but he has been receiving provisional pension/interim allowance and his other retiral dues have already been released.

In view of what the Tribunal has learnt from the above submissions, such a prayer in this application is premature and unless and until the criminal case against the applicant is closed, no direction can be given to the respondent authorities to release his regular pension.

Accordingly, this application is **disposed of**.

CSM/SS

**SAYEED AHMED BABA**  
**Officiating Chairperson & Member (A)**