

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

The Hon'ble Justice Ranjit Kumar Bag
& The Hon'ble Subesh Kumar Das

Case No – MA-107 of 2017 arising out of OA 335 OF 2017

Prasanta Ranjan Santra 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>13</p> <hr/> <p>17.09.2018</p>	<p>For the Applicant : Mr. B. R. Neogi, Mr. A.K.Das Sinha, Learned Advocates.</p> <p>For the State Respondents : Mr. G. Halder, Learned Advocate.</p> <p>For A.G. (A & E), W.B. : Mr. B. Mitra, Departmental Representative.</p> <p>...</p> <p><i>Liberty is given to the applicant to implead Director of Personnel and Ex-Officio Chief Engineer, Irrigation and Waterways Development Directorate as Respondent No. 5 by way of amendment of cause title of the Original Application and Miscellaneous Application in course of this day.</i></p> <p><i>The applicant has prayed for direction upon the respondents to disburse the provisional pension, amount of General Provident Fund (GPF), amount of Group Insurance (GI) and the amount of Leave Encashment.</i></p> <p><i>Learned Counsel for the applicant submits that the departmental enquiry was initiated against the applicant by issuance of articles of charge by the Secretary of the concerned department. He further submits that the said charge sheet was challenged</i></p>	

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	<p><i>initially before the Tribunal and ultimately before the Hon'ble High Court. It is the contention of the applicant that the Hon'ble High Court directed the State respondents to supply copy of charge sheet along with annexures, but the same has not been complied with by the State respondents and for violation of the said order contempt application is pending before the Hon'ble High Court.</i></p> <p><i>With the background of above submission made on behalf of the applicant, we wanted to know from the Learned Counsel for the applicant whether the applicant has submitted application in the prescribed format for disbursement of the amount of GPF. On our query, Learned Counsel submits that the applicant has submitted representation which needs to be considered. We do not find any merit in the submission made by the Learned Counsel for the applicant as the amount of GPF can be disbursed only when the concerned employee will submit application in the prescribed format before the controlling officer of the concerned employee. Accordingly, the applicant is directed to submit copy of the application submitted by him in the prescribed format for disbursement of the amount of GPF on the next date of hearing.</i></p> <p><i>Since the departmental proceeding is still pending</i></p>	

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Rajib	<p><i>against the applicant, the applicant is entitled to get only provisional pension and other retirement benefits will be disbursed only on conclusion of the departmental enquiry. Since the contention of the applicant is that the provisional pension has been stopped from the month of November, 2017, the Added Respondent No. 5, Director of Personnel and Ex-Officio Chief Engineer, Irrigation and Waterways Development Directorate is directed to disburse the amount of provisional pension in favour of the applicant as per provision of Rule 10 (2) of West Bengal Services (Death-cum-Retirement Benefit) Rules, 1971 within a period of eight weeks from the date of communication of the order.</i></p> <p><i>With the above direction, the Miscellaneous Application being MA-107 of 2017 stands disposed of.</i></p> <p>List OA 335 of 2017 under the heading "Hearing" on 07.01.2019.</p> <p>S. K. DAS MEMBER(A)</p> <p>R. K. BAG MEMBER(J)</p>	

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