

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Mrs. Urmita Datta (Sen), Member(J).

Case No. - OA 518 of 2021

Amit Das VERSUS – The State of West Bengal & Ors.

Serial No. and Date of order	For the Applicant	: Mr. M.N. Roy, Learned Advocate.
<u>02</u> 12.08.2021	For the State Respondent	: Mrs. S. Agarwal, Learned Advocate.
	For the A.G.W.B.	Mr. B. Mitra.

The matter is taken up by the Single Bench pursuant to the Notification No. 949-WBAT/2J-15/2016 dated 24th December, 2020, and 456-WBAT/2J-15/2016 dated 16th July, 2021 issued in exercise of the powers conferred under Section 6 (5) of the Administrative Tribunals Act, 1985.

The counsel for the applicant has submitted that till date neither disciplinary proceeding has been concluded nor he has been paid the provisional pension. He has only been paid provisional pension upto 30.04.2021. Thereafter he has not been paid provisional pension. Therefore, he has prayed for interim order/direction to make payment for provisional pension.

In this regard, the counsel for the respondent has prayed for one accommodation to take instruction from his client about the status of the provisional pension by the next date. However, she has submitted that they already referred the matter to the Finance Department on 29.07.2021 for further approval of one year for provisional pension.

The departmental representative of the A.G.W.B. has submitted that as per Rule 10 (2) of D.C.R.B. Rules, 1971, the department has to send the file for provisional pension to the office of A.G.W.B for sanction until finalization of the disciplinary proceeding.

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Heard all the parties. It is noted that in earlier OA, we have directed the respondents to conclude the disciplinary proceeding by six

ORDER SHEET

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weeks and to make payment of provisional pension and other retiral benefits as per rules. However, it is noted that the provisional pension has only been paid upto April, 2021 but final order has not been passed till date. It is noted that leave encashment and G.P.F. has already been paid to the applicant.

The counsel for the respondent is granted last chance with regard to the status of the provisional pension and to make payment in the meantime by the next date. Let the matter appear on **26.08.2021**.

Since for circumstances beyond control, the Registry is unable to furnish plain copies of this order to the learned advocates for the parties, the Registry is directed to upload this order on the website of the Tribunal forthwith and parties are directed to act on the copies of the order downloaded from the website.

Mrs. URMITA DATTA (SEN)
MEMBER (J)

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