

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

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

The Hon'ble Mr. P. Ramesh Kumar, Member (A)

Case No – OA-556 of 2018.**Dilip Kumar Sardar. Vs The State of West Bengal & Others.**

| 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 style="text-align: center;">04</p> <p style="text-align: center;">-----</p> <p style="text-align: center;">18-12-2018</p> | <p>For the Applicant : Ms. Rita Patra, Advocate.</p> <p>For the State Respondents : Mr. S. N. Roy, Advocate.</p> <p style="text-align: center;">The instant application has been filed praying for the following reliefs :-</p> <p style="text-align: center;">i) An order be passed directing the respondent authorities concerned to prepare the pension payment order of the petitioner thereby release the pension and other admissible retiral benefits including gratuity to the petitioner forthwith who retired on 30-11-2017 on superannuation and to pay the interest for not paying retiral dues after retirement at the rate of 10% p.a. from the date of retirement till such payment is actually made to the petitioner and to produce the entire records relating to the case before this</p> | |

ORDER SHEET

Dilip Kumar Sardar

Form No.

.....

Vs.**The State of West Bengal & Others.**Case No. OA-556 of 2018

| 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>Hon'ble Court so that upon perusal of the same conscionable justice may be admitted.</p> <p>As per the applicant, he retired on 30-11-2017 on superannuation but till date he has not been paid any pensionary benefit including pension even provisional pension has also not been paid though no criminal proceeding is pending against him. The respondents were repeatedly granted opportunity to file their reply but till date no reply has been filed.</p> <p>During the course of the hearing, the Counsel for the applicant has placed one letter dated 06-11-2017 and has submitted that as per the respondents since the nominee i.e. Smt. Rekha Rani Sardar did not sign the nomination paper. Therefore pensionary benefit has not been disbursed in favour of the applicant. On 07-09-2018, it was made clear that there was no provision to the applicant with regard to the pension paper without signature of nominee and the respondent were directed to issue</p> | |

ORDER SHEET**Dilip Kumar Sardar**

Form No.

Vs.**The State of West Bengal & Others.**Case No. **OA-556 of 2018**

| 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>provisional pension forthwith. But as per the applicant till date no such provisional pension has been issued in favour of the applicant. On 04-12-2018, the Counsel for the respondent has prayed for last chance to take appropriate steps for compliance of our order dated 04-12-2018 as well as filing of reply. However no steps has been taken. Therefore the Counsel for the applicant has prayed for disposal of the instant OA on the basis of available record. The Counsel for the respondent is not in a position to make any submission with regard to the provisional pension or other pensionary benefits.</p> <p>Heard both the parties and perused the records. From the perusal of the letter dated 06-11-2017 it is noted that the Executive Engineer, Tamluk Highway Division, P.W.D. Roads Directorate had requested the Learned Government Pleader, Tamluk, Purba Midnapur for his opinion in this regard, but till date no opinion in this regard is on record. However as it has been admitted by the Learned Counsel</p> | |

ORDER SHEET

Dilip Kumar Sardar

Form No.

Vs.**The State of West Bengal & Others.**Case No. **OA-556 of 2018**

| 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 |
|---------------------------------------|--|--|
| Mihir | <p>for the respondents that there is no such provision for signature of the nominee. Therefore withholding of pensionary benefit on this ground cannot sustain on the ground of non signing of the nomination paper by the nominee. Even our order dated 04-12-2018 has not been complied with by issuance of provisional pension which is mandatory as there is no allegation of disciplinary proceeding or criminal proceeding against the applicant at the time of retirement.</p> <p>In view of the above, we direct the respondent authorities to disburse the entire retrial benefits including the pension and @ 6% interest from the date of entitlement to the date of retirement and till the date of actual payment.</p> <p>Accordingly, the OA is disposed of with the above observations with no order as to cost.</p> <p>P. RAMESH KUMAR MEMBER(A)</p> <p>URMITA DATTA (SEN) MEMBER(J)</p> | |

ORDER SHEET

Dilip Kumar Sardar

Form No.

.....

Vs.

The State of West Bengal & Others.

Case No. OA-556 of 2018

| 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 |
|------------------------------------|---|--|
| | | |