



(Through video conferencing)

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA

No. O.A. 350/00392/2021

Date of order : 23.6.2021

Present : Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member

Runu Saha,
Daughter of Sudhir Kumar Das,
Aged about 60 years,
Worked as Income Tax Officer,
ITAT, 4, residing at 632,
Dum Dum Park,
Nabaananda
Niketan Co-operative Society Ltd.,
Flat No. 18,
Kolkata- 700055.

.....Applicant.

-versus-

1. Union of India,
Through the Secretary to the Government of India,
Department of Revenue,
Ministry of Finance,
North Block,
New Delhi – 110001.
2. The Chairman,
Central Board of Direct Taxes,
North Block,
New Delhi – 110001,
3. The Principal Chief Commissioner of Income Tax,
West Bengal and Sikkim Office at Aayakar Bhawan,
P-7, Chowringhee Square,
Kolkata- 700069.
4. The Commissioner of Income Tax(DR),
ITAT-2 & Admn., 225, AJC Bose Road,
Kolkata- 700020.

.....Respondents.

For the Applicant : Mr. A. Chakraborty, Counsel

For the Respondents : Ms. Bulbul Sarbjna, Counsel

ORDER (Oral)

Per Ms. Bidisha Banerjee, Judicial Member:

This application has been filed under Section 19 of the Administrative Tribunals Act, 1985 praying for the following relief:-

- “(a) Impugned Charge Memorandum being No. CIT(DR)ITAT-2 & Admin/Kol/CCS(CCA)/2020-21/1182 dated 21.01.2021 issued by the respondent No. 4 is not tenable in the eye of law and as such the same may be quashed.
- (b) An order do issue directing the respondents to withdraw/cancel/rescind the Charge Memorandum being No. CIT(DR)ITAT-2 & Admin/Kol/CCS(CCA)/2020-21/1182 dated 21.01.2021 and thereby to grant the applicant with all consequential benefits including grant, sanction and payment of the pension, pensionary and all other retiral dues including Provident Fund amount, Gratuity amount, leave salary, group insurance amount, commutation etc. and others dues in favour of the applicant at an earliest.
- (c) Costs and incidentals.
- (d) Any other order or orders as the Hon'ble Tribunal deems fit and proper.”

2. Ld. Counsel for the applicant would submit that he would be fairly satisfied if a direction is issued to the concerned respondent authorities to conclude the departmental proceedings, preferably within a period of six months, since the applicant is a superannuated employee and is facing hardships because the authorities have not prepared the final PPO and released his pension and other admissible retiral benefits.

Ld. Counsel would also ventilate his grievance that the authorities have not yet released his leave encashment dues, although the same cannot be withheld.

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3. Ld. Counsel for the respondents would submit that the applicant is entitled to provisional PPO and Gratuity can be withheld in terms of pension rules.
4. Therefore in view of the fact that the applicant is a superannuated employee, we permit the respondent authorities to conclude the departmental proceedings within six months from the date of receipt of a copy of this order.
5. Further, we would direct the applicant to cooperate with the authorities. The respondents shall be at liberty to conclude the departmental proceedings exparte, in the event applicant fails to cooperate.
6. Till conclusion of the proceedings, the applicant shall be entitled to release of all admissible dues including fixation and release of provisional pension.
7. The release of gratuity shall abide by the conclusion of the proceedings.
8. The O.A. is disposed of accordingly. No costs.


(Dr. Nandita Chatterjee)
Administrative Member


(Bidisha Banerjee)
Judicial Member

SP