

Government of West Bengal

Finance Department
Audit Branch
Writers' Buildings, Kolkata-1

No. 1611-F(Y)

Kolkata, the 22nd February, 2012.

MEMORANDUM

In terms of this Department Notification No.3317-F dt. 22.3.2001 the officers of West Bengal Junior Audit & Accounts Service(WBJA&AS) were merged with the West Bengal Junior Audit & Accounts Service(WBA&AS) w.e.f. 01.03.2001. Subsequently the effect of such merger was antedated w.e.f. 01.04.1981 on notional basis and from 01.03.2001 on actual basis in terms of Notification No. 9099-F dated 23.09.2009. The policy of antedating of merger w.e.f. 01.04.1981 had been challenged before the West Bengal Administrative Tribunal.

In terms of interim order of Ld. WBAT passed on 29.10.2009 & on 25.11.2009 the concerned officers are allowed to draw their re-fixed salary by virtue of Notification NMo.9099-F dated 23.09.2009 subject to this result of the applications made by the petitioners in O.A. No. 1435 of 2009, O.A. No. 1538 of 2009 O.A. No. 1509 of 2009 and filed in WBAT vide this Department Memo. No. 11091-F(Y) dt.16.12.2009 & Memo No. 1209-F(Y) dt. 19.02.2010.

Again, in terms of order of the Ld. WBAT passed on 08.12.2010 the final pension is sanctioned to the retiring officers of erstwhile WBJA&AS on the basis of basic pay receivable without taking into consideration the effect of Notification No.9099-F dated 23.09.2009 and excess amount of pensionary benefits receivable due to drawal under Notification No.9099-F dated 23.09.2009 is kept in wait until final settlement of court cases. Alternatively, the provisional pension is sanctioned to those retiring officers who opt to get pension on the basis of fixation under Notification No. 9099-F dated 23.09.2009 till the settlement of court cases for final pension vide this Department Memo. No. 8719-F(Y) dt.07.09.2011.

On 16th January,2012 the Hon'ble West Bengal Administrative Tribunal passed a common order in respect of the aforesaid three cases. In the said judgement all the said three applications have been dismissed as there is no merit in the respective applications and all the interim orders passed earlier by the Tribunal stand vacated.

Keeping in view the aforementioned directives of the Ld. WBAT made on 16th January,2012, the undersigned is now, in supersession of this Department Memo.No.8719-F(Y) dt. 07.09.2011, to state that the pensionary benefits will be sanctioned to the retiring officers of erstwhile WBJA&AS on the basis of basic pay receivable taking into consideration the effect of Notification No. 9099-F dated 23.09.2009 i.e. on the basis of actual pay on the date of their retirement and the stipulation for inclusion of the provision "subject to the result of the applications made by the petitioners" in re-fixation orders,as mentioned in Memo.No.11091-F(Y) dt.16.12.2009 & No.1209-F(Y) dt.19.02.2010, is hereby withdrawn.

If subsequently, the policy of antedating of merger is set aside or modified by the appropriate court law, the excess amount, if any, drawn by the incumbents shall be recovered from their relief on pension.

Sd/-H.K. Dwivedi
Secretary to the Government
Of West Bengal, Finance Deptt.

Cont....p/2.

No.1611/1(200)-F(Y)

Kolkata, the 22nd February, 2012

Copy forwarded for information & taking necessary action to :-

1. The Accountant General(Audit-I), West Bengal, Treasury Buildings, Kolkata-700001.
2. The Accountant General(Audit-II), West Bengal, Treasury Buildings, Kolkata-700001.
3. The Director of Treasuries & Accounts, West Bengal, 4, Lyons Range, Kolkata-700001.
4. The.....Dep'tt.
.....
5. The District Magistrate,.....
.....
6. The Director,.....
.....Directorate.
7. The sub-Divisional Officer,.....
.....
8. The pay & Accounts Officer, Kolkata Pay & Accounts Office-I, S1/2/2, Phears Lane, Kolkata-700012.
9. The Pay & Accounts Officer, Kolkata Pay & Accounts Office- II, P-1, Hyde Lane, Kolkata-700073.
9. The.....
.....
10. The Treasury Officer,.....
.....
12. S.R.Cell, Group-T, Finance Department.
13. Sr. P.A. to the Secretary, Finance Department.

Joint Secretary to the
Government of West Bengal,
Finance Department.