

**Government of West Bengal  
Finance Department  
Audit Branch**

No. 8719-F(Y)

Kolkata, the 7<sup>th</sup> September, 2011

In the terms of this Deptt.'s Notification No.3317-F dt.22.3.2001, the officers of W.B.J.A & A.S. were merged with W.B.A. & A.S. w.e.f. 01.03.2001 and subsequently the effect of merger was antedated in terms of notification no.9099-F dt. 23.9.2009 from 01.04.1981 on notional basis and from 01.03.2001 on actual basis. The policy of antedating of merger w.e.f. 01.04.1981 has been challenged before the Court of Law. In terms of order dt. 29.10.2009 of Ld. WBAT the concerned officers are allowed to draw their refixed salary subject to the result of the application made by the petitioners in O.A. no. 1435 of 2009, OA no.1538 of 2009 and OA no.1609 of 2009 and filed in WBAT.

On 8.12.2010 Ld. WBAT passed a common order directing that "the authority sanctioning the pension shall take up that pay of the retired employees as the basis of calculation of pension, in view of pending litigation, which pay shall not be effected by any decision of the pending litigation. The authority must bear in mind and act accordingly keeping particularly in view that any deviation of this order may create further complication."

Keeping the aforementioned directive of Ld. WBAT in view, I am, now to state that the final pension will be 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 dt. 23.9.2009. Excess amount of pensionary benefits receivable due to drawal under notification no. 9099-F dt. 23.9.2009 will be kept in wait until final settlement of court cases. Alternatively, provisional pension may be sanctioned to those retiring officers who opt to get pension on the basis of fixation under no. 9099-F dt. 23.3.2009 till the settlement of court cases for final pension. If subsequently, the policy of antedating of merger is set aside or modified by the appropriate court of Law, the excess amount, if any, drawn by the incumbents shall be recovered from their relief on pension.

Sd/- C.M. Bachhawat

Principal Secretary  
Finance Department  
Government of West Bengal.