12th November, 2025
(D/L No.13)
Ct. No.4
(SKB)

W.P.S.T.141 of 2025

Ashoke Kumar Banerjee
Versus
The State of West Bengal and others

Mrs. Soma Roy Chowdhuri,
Mr. Indranil Chandra,
Mr. Souvik Sarkar
… for the petitioner.

Mr. Biswabrata Basu Mallick, ld. AGP,
Mr. Sayan Ganguly
… for the State.

Mr. Sajal Kanti Bhattacharyya
… for respondent no.7.

1. Heard learned counsel for the petitioner as well as the learned counsel for the respondents.
2. The present writ petition has been filed by the writ petitioner who was the applicant before the West Bengal Administrative Tribunal (in short 'Tribunal') for setting aside an order dated 11.09.2024 passed in O.A. No.199 of 2024.
3. The petitioner was working as a *Bhumi Sahayak* and was proceeded against on the basis of a charge memo dated 12.12.1996. The substance of the allegations against the petitioner was that he had deposited amounts in the State Exchequer, less than what he had collected towards land revenue. The charges were held proved and the petitioner was dismissed from

service on 14.06.2000. The order of dismissal was assailed by the writ petitioner. We further find that for the benefit of retiral benefits, the petitioner earlier filed an O.A. bearing No.282 of 2011.

4. Before the Tribunal, the petitioner contended that the criminal case, which was containing the selfsame allegations, has resulted in acquittal and, therefore, the petitioner should be granted the retiral benefits. The Tribunal found that after acquittal in the criminal trial, the petitioner did not approach the authorities for any relief and, therefore, disposed of the O.A. No.282 of 2011, to approach the authorities within one month, for appropriate relief.

5. The petitioner thereafter, filed another original application bearing O.A. No.602 of 2014. The Tribunal also took notice of the reasoned order dated 23.03.2022 whereby the authorities did not interfere with the dismissal order. Thereafter, a third application being O.A. No.620 of 2023 was filed wherein the petitioner claimed the relief of terminal benefits.

6. From bear reading of the order passed in O.A.620 of 2023, it is clear that the petitioner has claimed for grant of terminal benefits,

meaning thereby that he has accepted his dismissal order. In the meantime, it appears from the records that the petitioner's dues under the Group Insurance Scheme and his balance in the GPF account has been paid to the petitioner.

7. The present O.A. was filed once again seeking to reagitate a claim for retiral benefits. The same has been disallowed by the Tribunal by an order impugned in the present proceedings.

8. The dismissal order has never been set aside in any proceedings. The petitioner, as is apparent from the order dated 09.10.2023 passed in O.A. 620 of 2023, has come to terms with the dismissal order and, therefore, in those proceeding claimed terminal benefits instead of retiral benefits.

9. Since the dismissal order dated 14.06.2000 was not challenged, let alone, set aside. Thus, there was no occasion for the petitioner to raise a claim for grant of any retiral benefits as has been done by the petitioner in O.A. No.199 of 2024, which has been disposed of by the impugned order dated 11.09.2024.

10. Considering the above noted facts and circumstances, we find no infirmity in the order passed by the Tribunal disposing of the

petitioner's claim for any retiral benefits. The order of the Tribunal does not require of any interference in exercise of jurisdiction under Article 226 of the Constitution of India.

11. The writ petition is, accordingly, dismissed.

(Madhuresh Prasad, J.)

(Prasenjit Biswas, J.)