

Insolvency-210 of 2022

Order No.10

19.01.2024

Today is fixed for appearance of disbursing authority.

Creditor / petitioner is absent by filing adjournment application.

Debtor / O.P. and Garnishee are present by filing two separate haziras through Ld. Advocate.

One officer from the Airport Authority has appeared on behalf of Senior Superintendent and submits that leave salary, GIS and G.P.F. final withdrawal have already been paid to the O.P. Tilak Kumar Majumdar after his retirement. Then sanction of death -cum- retirement gratuity amount is under process from the G.M.(P.A. & F.), West Bengal Circle, Kolkata. It is also submitted that one Criminal Case is pending against the said person before the Barackpur Court and the said benefits will be sanctioned by the G.M. Kolkata circle after completion of the departmental proceedings. Therefore, the Senior Superintendent, Kolkata Airport Sorting Division have no power to grant or release the said benefits.

The concerned Officer has also filed the letter with explanation for non-release of the death-cum-retirement benefit along with the gazette with regard to power to withhold or withdraw pension.

After hearing the Ld. Advocate for the debtor O.P. as well as the Ld. Advocate for the proforma O.P., I have gone through the record, but I did not find any such document to show that any departmental proceeding has been initiated against the O.P. No.1 during his service period. In the circumstances, if there is any departmental proceeding, which has been initiated or is pending against the concerned person and as per the service rule, if the benefits are withheld, then this Court has nothing to say about it, but if the said benefits are withheld by the order No. 3 dated 19.12.2022, then without any further delay, the benefits of the incumbent Mr. Tilak Kumar Majumdar be released immediately.

To **11-03-2024** for filing W.S. by the O.P. debtor.

D/Corrected by me.

Additional District Judge

Additional District Judge
3rd Court, Alipore

PTO