

ORDER SHEET**WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-**

The Hon'ble Justice Soumitra Pal (Chairman)
& The Hon'ble Mr. Subesh Kumar Das (Administrative Member)

Case No – O.A. 910 of 2016

KISHORI MOHAN MAHATO Vs **The State of West Bengal & Ors.**

Serial No. and Date of order. 1	Order of the Tribunal with signature 2	Office action with date and dated signature of parties when necessary 3
<p>11 08.04.2019</p>	<p>For the Applicant : Mrs. S. Mitra, Advocate</p> <p>For the State Respondent: None</p> <p>In this application, - Kishori Mohan Mahato, the applicant - has prayed for certain reliefs, the relevant portion of which is as under :</p> <p>“(a) Pass an order directing the respondents to release the pension with effect from 01.04.2016 by condoning the shortfall of service considering the solemn order which has been annexed at annexure “A/2” within a stipulated period of time.”</p> <p>It appears that the applicant, - who was a casual daily rated worker engaged from 1984 and pursuant to the order of the State was absorbed in the permanent post on the basis of the G.O. dated 16th June, 2008, had joined the post on 3rd October, 2008 and had superannuated from</p>	

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	<p>service on 31st March, 2016, - has prayed for a direction upon the respondents to release pension with effect from 1st April, 2016 by condoning the shortfall of service.</p> <p>Mrs. S. Mitra, learned advocate for the applicant, - relying on the statements in the application and in the rejoinder and relying on the judgement of the High Court passed on 13th April, 2019 in W.P.S.T. 532 of 2010, Nemai Ch. Chatterjee & Others vs. State of West Bengal & Others, - has submitted that since the applicant was absorbed in the service after rendering continuous temporary uninterrupted continued service from early 2006 and as he has qualified for payment of pension, appropriate order may be passed.</p> <p>Having heard Mrs. Mitra, and considering the facts and circumstances of the case, since we find the applicant absorbed in permanent service on 3rd October, 2008 had superannuated on 31st March, 2016, the application is disposed of by directing the Principal Chief Conservator of Forest (HOFF), West Bengal, the respondent no.2 to dispose of the matter regarding grant of pension to the applicant by passing a reasoned order to be communicated to the parties within twelve weeks from the date of presentation of a copy of the certified copy of this order after giving an opportunity for hearing to the applicant and after perusing the records whether the</p>	

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SCN.	<p>applicant had worked uninterruptedly and continuously for the purpose of qualifying service and consequent payment of pension provided that service is followed immediately and without any break by permanent service and after considering the principles of law laid down in the judgement passed in Nemaï Ch. Chatterjee (Supra).</p> <p>(S.K. Das) MEMBER (A)</p> <p>(Soumitra Pal) CHAIRMAN</p>	