

**ORDER SHEET**

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Present-**

The Hon'ble Justice Ranjit Kumar Bag  
& The Hon'ble Dr. Subesh Kumar Das

Case No – **OA 258 OF 2014**

**Guru Pada Bagui 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
16 <hr/> 26.04.2018	<p><b>For the Applicant</b> : Mr. D.N. Mukherjee, Mr. S. Bhunia, Learned Advocates.</p> <p><b>For the Respondents</b> : Mr. R.A. Chowdhury, Learned Advocate.</p> <p><b>For the AG (A&amp;E),WB</b> : Mr. B. Mitra, Departmental Representative.</p> <p>The applicant joined in the post of Deep Tubewell Operator under the Department of Agri-Irrigation, Government of West Bengal on August 24, 1973. The contention of the applicant is that he retired from service on March 31, 2009, but pension and other retirement benefits have not been released in favour of the application. On consideration of the report submitted by the respondent no. 6 on April 29, 2015, we find that the applicant served in various capacity from August 24, 1973 to November 30, 2000 when he was released from his assignment in Arambagh Development Block on November 30, 2000, and he joined in the office of the respondent no. 6 on December 1, 2000. The report indicates that the service of the applicant was not verified in the Service Book from April 1, 1993 onwards and pay scale of the applicant was also not revised for non-submission of option form under ROPA, 1998. Since the applicant has retired from service on March 31, 2009 and since pension and retirement benefits have not been released in favour of</p>	

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the applicant till date, we are of the view that it is the duty of the Pension Sanctioning Authority to take a decision about entitlement of the applicant to get pension and other retirement benefits and to pass an order in this regard without further delay. It is pertinent to point out that the applicant was absent from duty intermittently without praying for regularisation of the said absence by grant of leave. Accordingly, the Pension Sanctioning Authority will take into account the continuous period of service of the applicant from the date of joining till the date for which absence of the applicant may be regularised by grant of leave for the purpose of pension and other retirement benefits.

Having heard Learned Counsel representing both parties and the authorised representative of the AG (A&E), West Bengal, we direct the applicant to submit a representation before the respondent no. 6 for regularisation of the period of absence within a period of 4 (four) weeks from this date, so that the respondent no. 6 can take a decision for regularisation of absence of the applicant in accordance with provisions of WBSR Part-I. Similarly, the respondent no. 6, Block Development Officer, Goghat-II is directed to consider the representation, if any, submitted by the applicant and to take a decision about entitlement of the applicant to get pension and other retirement benefits by passing a reasoned order within a period 16 (sixteen)

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weeks from the date of communication of the order and to communicate the same to the respondent no. 5, Accountant General (A&E), West Bengal within a period of 2 (two) weeks thereafter. The respondent no. 5, Accountant General (A&E), West Bengal is directed to issue order for payment of pension and other retirement benefits in favour of the applicant within a period of 8 (eight) weeks from the date of receiving order from the respondent no. 6.

With the above direction, the original application stands **disposed of**.

Let a plain copy of this order be supplied to all the parties.

**( S.K. DAS )**  
MEMBER(A)

**( R. K. BAG )**  
MEMBER (J)

Sanjib