

ORDER SHEET
WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

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

Case No – OA 500 OF 2017

Chandi Charan Acharya 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
7 18.04.2019	<p>For the Applicant : Mrs. S. Mitra, Learned Advocate.</p> <p>For the Respondents : Mr. A.K. Das Sinha, Learned Advocate.</p> <p>For the AG (A&E),WB : Mr. B. Mitra, Departmental Representative.</p> <p>Liberty is given to the applicant to amend the cause title of the original application for incorporating correct designation of the respondent no. 3 in course of this day. Liberty is also given to the applicant to implead the Principal Secretary to the Government of West Bengal, Department of Home (Police) as respondent no. 1(a) by way of amendment of cause title of the original application in course of this day.</p> <p>The applicant has prayed for direction upon the respondents for grant of pension after condonation of shortfall in qualifying service for grant of pension.</p> <p>The contention of the applicant is that the applicant joined as Constable of Police on January 17, 2007 and retired from service on August 31, 2016. The state respondents have admitted in paragraph 3 of the reply that the applicant rendered service for nine years seven months and fifteen days. A</p>	

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Government employee is entitled to get pension after rendering ten years of service in terms of the provisions of Rule 67 of West Bengal Services (Death-cum-Retirement Benefit) Rules, 1971 (in short, the DCRB Rules, 1971). In the instant case, there is shortfall of four months and fifteen days in qualifying service for grant of pension to the applicant. Rule 36 of the DCRB Rules, 1971 provides that the State Government has the discretion to condone deficiency in qualifying service for grant of pension upto the period of six months. In the instant case, the shortfall of the applicant in qualifying service for grant of pension can be condoned by the State Government by invoking the provisions of Rule 36 of the DCRB Rules, 1971. On consideration of the background of joining in the post of Constable of Police by the applicant, we are of the view that the shortfall in qualifying service for grant of pension of the applicant should be condoned by the State Government.

In view of our above observation, we direct the respondent no. 1(a), Principal Secretary to the Government of West Bengal, Department of Home (Police) for condonation of shortfall of four months and fifteen days in qualifying service for grant of pension to the applicant by invoking the provisions of Rule 36 of the DCRB Rules, 1971 within a period of 16 (sixteen) weeks from the date of communication of the order and to take necessary follow up action within a period of 8 (eight) weeks thereafter.

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Sanjib	<p>With the above direction, the original application stands disposed of.</p> <p>Let a plain copy of this order be supplied to both parties.</p> <p>(S.K. DAS) MEMBER(A)</p>	<p>(R. K. BAG) MEMBER (J)</p>
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