

ORDER SHEET
WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

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

Case No – OA 717 OF 2017

Lakshminarayan Bandyopadhyay 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
03 28.11.2018	<p>For the Applicant : Mr. D.K. Chatterjee, Mr. M. Pal, Learned Advocates.</p> <p>For the Respondents : Mr. S. Bhattacharjee, Departmental Representative.</p> <p>For the AG (A&E),WB : Mr. B. Mitra, Departmental Representative.</p> <p>The applicant has prayed for direction upon the respondents to grant him pension after setting aside order dated July 20, 2016 passed by Director of Land Records & Surveys and Joint Land Reforms Commissioner, West Bengal.</p> <p>It appears from the materials on record that the applicant joined in the Group-D post in the office of Block Land & Land Reforms Officer, Indus in the district of Bankura on June 22, 2007 on the basis of Memorandum dated February 16, 2007 issued by the Department of Land & Land Reforms, Government of West Bengal. The applicant retired from service on March 31, 2013 and thereby he served for total period of 5 years 9 months and 5 days. The contention of the applicant is that he served as Tahasil Mohorar prior to his appointment in the Group-D post and the service rendered by him as Tahasil Mohorar should be taken into consideration for computation of qualifying service for grant of pension. It is clearly laid down in the reasoned order dated July 20, 2016 that Tahasil Mohorars were engaged by the</p>	

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Tahasildars for a period of 4 months in one calendar year and that is why the service rendered by the applicant as Tahasil Mohorar cannot be construed as continuous service prior to his appointment in the Group-D post on February 16, 2007. It is a fact that past service rendered by the Tahasildars and Tahasil Peons were counted for computation of qualifying service for grant of pension on fulfilment of the following two conditions by G.O. dated April 27, 1995 and G.O. dated July 5, 1995 issued by Board of Revenue, Government of West Bengal : first, period of service rendered by the Tahasildars and Tahasil Peons must be continuous without interruption and secondly the employer's share to the contributory provident fund must be returned to the Government with interest. The applicant cannot claim to have fulfilled the above conditions as the applicant rendered only 4 months of service in one calendar year before his appointment in the Group-D post on the basis of order dated February 16, 2007.

In view of our above findings, we do not find any merit in the submission made on behalf of the applicant that the past service rendered by the applicant as Tahasil Mohorar should be counted for pensionary benefit. There is no illegality or arbitrariness in the impugned order under challenge in the present application. As a result, the original application is **dismissed.**

Sanjib

(S.K. DAS)
MEMBER(A)

(R. K. BAG)
MEMBER (J)