

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. 832 of 2019

KANAI LAL MAITY 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>4</p> <hr/> <p>11.02.2020</p>	<p>For the Applicant : Mr. U.K. Bhattacharyya, Mr. K. Mishra, Advocates</p> <p>For the Respondents : Mr. A. Datta, Departmental Representative</p> <p>In the application, Kanai Lal Maity, the applicant, - who had rendered service as Tahasil Mohury / casual worker from 1976 to 1984 and thereafter absorbed in the regular government establishment on 21st April, 2011 to 29th June, 2012, - has prayed for certain reliefs, the relevant portion of which is as under:</p> <p>“8.....(ii) The concerned respondents may be directed by this Hon'ble Tribunal to grant and pay the monthly pension with arrear computing the qualifying service of the petitioner after including the service period as casual worker from 01.01.1976 to 1984 with the service rendered by the petitioner as approved Group 'D' staff in regular Government Establishment for the period 21.04.2011 to 29.06.2012 in</p>	

ORDER SHEET

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>the interest of justice in consideration and disposal of the representation dated 22.10.2018.</p> <p>iii) The concerned respondents may be directed by this Hon'ble Tribunal to condone the deficiency in service period for computation of qualifying service of 10 years for payment of minimum monthly pension with other pensionary benefits.</p> <p>iv) The respondent may be directed by this Hon'ble Tribunal to grant and pay the monthly pension with arrear after consideration and disposal of the representation dated 22.10.2018 submitted by the petitioner.”</p> <p>After the matter was admitted, directions were issued to file reply and rejoinder. Reply and rejoinder have been filed and are on record.</p> <p>It is submitted by Mr. U.K. Bhattacharyya, learned advocate for the applicant that as the applicant had worked as Tahasil Mohury / casual worker from 1976 to 1984 and pursuant to the orders passed by the High Court after being absorbed in the regular government establishment had worked from 21st April, 2011 to 29th June, 2012, that is over a period of ten years, the applicant</p>	

ORDER SHEET

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>is entitled to pension. Submission is though a representation dated 22nd October, 2018 was furnished before the authorities, it has not been considered. Aggrieved, this application has been filed.</p> <p>Mr. A. Datta, the Departmental Representative of the respondents submits that since the applicant had performed the duties of casual worker / Tahasil Mohury from 1976 to 1984 and thereafter after being absorbed as a Group 'D' staff in the government establishment had worked from 21st April, 2011 to 29th June, 2012, when he superannuated and since he has worked for more than four years, he is not entitled to pension.</p> <p>Heard Mr.U.K.Bhattacharya, learned advocate for the applicant and Mr.A.Datta, the Departmental representative.</p> <p>Having heard learned advocate for the applicant and the Departmental Representative for the respondents and considering the fact that the issue regarding grant of pension to the applicant is yet to be disposed of, considering the facts and circumstances of the case, the application is disposed of by granting liberty to the applicant to file a representation afresh ventilating his grievances before the Additional District Magistrate and District Land and Land Reforms Officer, Paschim Medinipur, the respondent no. 2(e), within eight weeks from the date of obtaining a copy of this order. If such representation is filed, the said respondent no.2(e) shall</p>	

ORDER SHEET

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
SCN.	<p>dispose of the same by passing a reasoned order to be communicated to the parties, within twelve weeks, after giving an opportunity of hearing and after verifying the records and after considering the relevant circulars, notifications and judgements which may be relied on by the applicant.</p> <p>(S.K. Das) MEMBER (A)</p> <p>(Soumitra Pal) CHAIRMAN</p>	