

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

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

Case No – **OA 895 OF 2017**

Sandeep Kumar De 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
04 <hr/> 04.07.2018	<p>For the Applicant : Mr. S. Ghosh, Learned Advocate.</p> <p>For the Respondents : Mr. G.P. Banerjee, Learned Advocate.</p> <p>For the Respondent Nos. 3 & 4 : Mr. R. Halder, Ms. A. Kaunda, Mr. C. Sarkar, Learned Advocates.</p> <p>The applicant joined as Dental Surgeon at Salboni Rural Hospital in the district of Paschim Medinipur on March 2, 2009. Prior to joining the service under Government of West Bengal, the applicant claims to be employed as Short Service Commissioned Officer in Army Dental Corps under Ministry of Defence, Government of India from March 9, 1997 to March 8, 2002 and was released from the said service in the rank of Major. He also claims to be employed in Ex-Servicemen Contributory Health Scheme Polyclinic at Panagarh in the district of Burdwan, West Bengal as Dental Officer under Ministry of Defence, Government of India from April 1, 2005 to May 31, 2007. The grievance of the applicant is that his past service under Ministry of Defence, Government of India has not been counted for retirement benefits of the applicant.</p> <p>Previously, the applicant moved the Tribunal by filing OA-900 of 2016 which was disposed of on January 2, 2017. This Tribunal gave direction to the Principal Secretary to the Government of West Bengal,</p>	

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Department of Health & Family Welfare to take a decision on the basis of representation submitted by the applicant and to communicate the said decision to the applicant forthwith. The Additional Chief Secretary to the Government of West Bengal, Department of Health & Family Welfare passed an order on February 15, 2017 whereby he asked the applicant to furnish relevant information for taking decision as directed by the Tribunal.

Mr. Ghosh, Learned Counsel for the applicant, contends that the applicant has already furnished information to respondent no. 1 on March 8, 2017 through proper channel, but no decision has yet been taken by the Principal Secretary to the Government of West Bengal, Department of Health & Family Welfare. The documents which are alleged to have been enclosed with the application submitted to respondent no. 1 on March 8, 2017, have not been placed before us on behalf of the applicant. Rule 194 of West Bengal Services (Death-cum-Retirement Benefit) Rules, 1971 as amended by Notification dated June 14, 1978 lays down that regular military service rendered by a person before appointment under Government of West Bengal may be counted when the service under the State Government is confirmed or has attained quasi permanent or permanent status. The conditions for counting of past service rendered under the Army before civil employment under the State Government are laid down in the said Rules. All documents have

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not been placed before us for formation of opinion whether the applicant rendered regular military service before employment under the State Government. Accordingly, we have not decided on merit the issue of counting of past service of the applicant rendered in the Army for the purpose of retirement benefits.

Since the issue of counting of past service of the applicant has not been decided finally by the Principal Secretary to the Government of West Bengal, Department of Health & Family Welfare due to not furnishing of relevant information by the applicant before February 15, 2017 and since the applicant claims to have submitted relevant information to respondent no. 1 through proper channel on March 8, 2017, we direct the respondent no. 1, Principal Secretary to the Government of West Bengal, Department of Health & Family Welfare to take final decision on the issue of counting of past service of the applicant after giving the applicant an opportunity of hearing within a period of 12 (twelve) weeks from the date of communication of the order and to communicate the result of the same to the applicant within a period of 2 (two) weeks thereafter.

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

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

Sanjib

(S.K. DAS)
MEMBER(A)

(R. K. BAG)
MEMBER (J)

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