

**ORDER SHEET**

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Present-**

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

Case No – **OA 91 OF 2016**

Siddhartha Bagroi 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
11 18.12.2018	<p>For the Applicant : Mrs. S. Mitra, Learned Advocate</p> <p>For the Respondents : Mr. S. Ghosh, Learned Advocate.</p> <p>The applicant has prayed for direction upon the respondents for counting of past service of the applicant for grant of retirement benefits.</p> <p>It appears from the materials on record that the applicant was appointed in Group-D post by order dated August 7, 2009 issued by the Chief Medical Officer of Health, Paschim Medinipur with effect from the date of joining of the applicant in the said service. The applicant has not disclosed in the application the date of actual joining in the Group-D post. However, the applicant retired from the service on January 31, 2015.</p> <p>Learned Counsel representing the applicant contends that the service rendered by the applicant from the year 1979 should be taken into consideration for giving retirement benefit to the applicant on the ground that the service rendered by the applicant was continuous temporary service of the said employee.</p> <p>Learned Counsel representing the state respondents submits that the applicant was a seasonal worker and rendered service for sixty days in a calendar year before his appointment in Group-D post by order dated August 7, 2009 and as such the applicant is not entitled to count the past service for getting</p>	

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retirement benefits.

Having heard Learned Counsel representing both parties and on consideration of the materials on record, we find that the applicant was engaged as daily rated employee for spraying DDT for a period of only sixty days in a calendar year at a remuneration of Rs.74/- per day. The said service can never be construed as temporary service of the concerned employee. Since the applicant did not render continuous and uninterrupted service before his appointment in Group-D post by virtue of order dated August 7, 2009 issued by the CMOH, Paschim Medinipur, we are of the view that the applicant cannot get the benefit of past service for computation of period of qualifying service for pension and other retirement benefits. The applicant served only six years and a few months in Group-D post and as such the applicant did not render qualifying service for pension as per provisions of Rule 67 of West Bengal Services (Death-cum-Retirement Benefit) Rules, 1971.

As a result, the applicant is not entitled to get any relief in the present application. Accordingly, the original application is **dismissed**.

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

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

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

Sanjib