

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson & Member (A)

Case No. OA – 1324 of 2016

Hiralal Ghosh - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. For the Applicant : Mr. D. Karan,
and Advocate

Date of order
19
04.04.2024 For the Respondents : Mrs. S. Agarwal,
Advocate

For the Pr. A.G. (A & E), : Mr. B. Mitra,
West Bengal (Departmental Representative)

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 638 – WBAT / 2J-15/2016 dated 23rd November, 2022 issued in exercise of the powers conferred under Section 5(6) of the Administrative Tribunals Act, 1985.

On consent of the learned counsel, the case is taken up for consideration sitting singly.

In this application, the applicant prays for disbursal for pension without pressing for other prayers. The applicant worked as a Field Worker in the year 1973 and continued till 1991 as a temporary Spray Worker. On 17.05.1991, he was issued an appointment letter to work as field worker on monthly pay. On 16.01.2009, he was finally absorbed as G.D.A. and on 31.01.2015 he retired.

It appears from the record that the applicant has served as Group-D employee for a period of only six years fifteen days and fall short of four years to qualify for pension. Although, the applicant made a prayer to the respondents for counting of his past services but the same was rejected by the respondents. The respondents rejected the application on the ground that a shortfall of around four years does not qualify him for pension.

Mr. Karan submits that Rule 18 (b) and 22 of the D.C.R.B. Rules allows continuation of past service with certain conditions. Mr. Karan also cites High Court judgement reported in 2004(4) 0CHN (Cal) 32, Para 11, 14 and 16.

Mrs. Agarwal points out to page 28 which appears to be a certificate in respect of this applicant issued by Deputy C.M.O.H. Midnapore to the effect that the applicant worked from 1973 to 1974 and 1976 to 1991.

Having heard the submissions of the learned counsels and on examination of the

ORDER SHEET

Form No.

Hiralal Ghosh

Vs.

Case No. **OA – 1324 of 2016**

THE STATE OF WEST BENGAL & ORS.

records, it is clear to this Tribunal that the applicant did not complete the required ten years continuous service to be eligible for pension. In service as Group-D he has served for only six years and fifteen days. Since his appointment as Group-D is a fresh appointment, therefore, his past services as a temporary Spray Worker cannot be included for the purpose of qualifying him to pension. Further, it has been made clear that from 1974 to 1976 there was a two-year break in his service. The rules as stipulated under West Bengal (D.C.R.B.) Rules, 1971 is clear to the effect that an employee who had served at least ten years continuous service is entitled for pension. In this case it has not been so. Therefore, the Tribunal has come to the finding that the prayer in this application is devoid of merit and is disposed of without any orders.

SAYEED AHMED BABA
OFFICIATING CHAIRPERSON & MEMBER(A)

A.K.P