

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson and Administrative Member

Case No. –OA 69 OF 2024

MIHIR KUMAR JATUA & ANR. - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No.	For the Applicants	:	Mr. Saurav Bhattacharjee,
and			Advocate
Date of	For the State Respondents	:	Mr. G.P. Banerjee,
order			Advocate
<u>3</u>	For the Principal Accountant	:	Mr. Biswanath Mitra,
12.08.2024	General (A&E), 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 (Pt.-II) dated 23rd November, 2022 issued in exercise of the powers conferred under section 5(6) of the Administrative Tribunals Act, 1985.

The prayer in this application is for a direction to the respondent authority to sanction and to disburse the pension and all other retirement benefits after condonation of the period of deficiency in qualifying service. In terms of the direction of the Tribunal in OA 258 of 2019, the Registrar of Assurances passed a reasoned order covering the issues relating to the short-fall in qualifying service. From this reasoned order, it is clear that the applicant Mihir Kumar Jatua and Pulin Kumar Mondal have qualifying service of only 9 years 4 months and 13 days and 7 years 2 months and 2 days respectively.

Mr. G.P. Banerjee, learned counsel submits under Rule 36 of West Bengal Services (Death-cum-Retirement) Rules 1971, condonation of only 6 months shortfall in qualifying service is the discretionary power of the authorities and since it is apparent from the reasoned order that the two applicants have shortfalls of more than six months, such discretionary powers cannot be exercised by the respondent authorities.

Having heard the learned counsels, it is the opinion of this Tribunal that since a proposal has been submitted by the Inspector General of Registration & Commissioner of Stamp Revenue dated 09.12.2022, the respondent No. 2A, the Senior Special Secretary, Finance (Revenue) Department may take the decision as per the Rules and dispose of the same within a reasonable period of time.

(SAYEED AHMED BABA)
OFFICIATING CHAIRPERSON
and MEMBER (A)

SCN.