

**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-918 of 2021**

Serial No. and Date of order	Tapas Chakraborty For the Applicant	: VERSUS – The State of West Bengal & Ors..	Mr. S.N. Roy, Learned Advocate.
<u>06</u> 20.12.2022	For the State Respondents	: VERSUS – The State of West Bengal & Ors..	Mr. A.De, Ms. R. Sarkar, Departmental Representatives.
	For the Pr. A.G.W.B.		Mr. B. Mitra.

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 23<sup>rd</sup> 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 for the contesting parties the case is taken up for consideration sitting singly.

In this application, Tapas Chakraborty, the applicant has prayed for disbursement of arrear pension along with interest and for payment of interest for delayed payment of gratuity after condoning the shortfall of service of five years seven months 19 days for getting pension.

We find that the issue is covered by the Judgement delivered on 18<sup>th</sup> January, 2022 passed in WPST No. 91 of 2019 (Sudhansu Karmakar and others-Vs.-State of West Bengal and others) wherein, interalia, it has been held as under :-

a)“..... Admittedly, the power to relax the period for the purpose of qualifying service is provided in DCRB

Rules, 1971 but with an outer cap of six months. The authorities cannot act in contravention to the statutory provisions nor the Writ Court should issue a Mandamus commanding the authorities to act in clear violation of the statutory provisions. Once the power of relaxation is brindled with an outer cap, the authorities are denuded of power to extend such relaxation, who do not come within the purview thereof ....”

In view of the law laid down by the High Court since the shortfall beyond six months cannot be condoned, no order is passed on the application. The application is disposed of.

SAYEED AHMED BABA  
OFFICIATING CHAIRPERSON & MEMBER(A)

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