

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble SAYEED AHMED BABA, Member (A)

Case No. – OA-102 of 2022

Prasanta Bhattacharya **VERSUS** – The State of West Bengal & Ors..
Serial No. and Date of order For the Applicant : Ms. A. Shaw,
Learned Advocate.

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17.11.2022 For the State Respondents : Mr. A.De,
Ms. R. Sarkar,
Mr. S. Deb Roy,
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. 536-WBAT/2J-15/2016 dated 26th August, 2022 issued in exercise of the powers conferred under Section 5(6) of the Administrative Tribunals Act, 1985.

In this application the prayer is for setting aside the order of the respondent dated 09.07.2021 rejecting the prayer of the applicant for condonation of shortfall in the length of service by five months for full pension. The applicant was a Bhumi Sahayak under the Land and Land Reforms Department and could not complete twenty years of continuous service to be eligible for full pension. Earlier the matter was considered by the Tribunal in OA-208 of 2021 and directed the respondent to consider the representation of the applicant and pass a reasoned order. In compliance, the respondent, the D.L. & L.R.O., Paschim Midnapore considered and passed a reasoned order regretting the condonation of shortfall in the length of service by five months citing relevant Government Orders.

Aggrieved by such rejection, the applicant has filed the present OA-102 of 2022 challenging the impugned order. Learned counsel for the applicant submits that Rule 36 of D.C.R.B. Rules, which allows condonation up to six months of shortfall in the length of service is applicable for the applicant whereas the respondent has quoted G.O. No. 201-F dated 25.02.2009 which is irrelevant.

Mr. De appearing on behalf of the department submits that the reply of the respondent will be submitted by the next date.

The matter is admitted.

Let the matter appear for Hearing on **07.03.2023**.
Reply/rejoinder, if any, in the meantime.

SAYEED AHMED BABA
MEMBER (A)