

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 102 of 2022

Prasanta Bhattacharya - VERSUS – The State of West Bengal & Ors.

Serial No. and Date of order	For the Applicant	: Ms. Anita Shaw, Ld. Advocate.
<u>08</u> 19.12.2023	For the State Respondents	: Ms. R. Sarkar, Mr. S. Debray, Mrs. A. Bhattacharjee, Departmental Representatives.
	For the Pr. A.G (A&E), W.B..	Mr. B. Mitra, 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.

On consent of the learned counsels for the contesting parties, the case is taken up for consideration sitting singly.

The prayer in this application is for setting aside the impugned order passed by the respondents 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 of full pension. Having served for 19 years and 7 months, the applicant is receiving the proportionate pension of Rs. 6,289/-.

After hearing submission of the learned counsels and examining the records, it is clear of this Tribunal that the applicant receives a proportionate pension of Rs. 6,289/-. After revision of pay under ROPA Rules 2009, now the applicant is receiving a consolidated amount of Rs. 16,234/- w.e.f. 01.01.2020. Such proportionate pension is being disbursed to him as per Memorandum No. 201-F(Pen) dated 25.02.2009 and also as per 62 of DCRB Rules. So far, the condonation

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of shortfall in service by 5 months under Rules 36 of DCRB Rules 1971, it was considered by the respondent authorities and a reasoned order passed to the effect that the applicant was not entitled to get full pension benefits.

Considering the above observations and the fact that the applicant is already receiving proportionate pension of Rs. 16,234/- for the length of service of 19 years and 7 months he rendered, this Tribunal does not find any justification for setting aside the impugned order dated 09.07.2021.

Thus, the application is disposed of without passing any order.

SAYEED AHMED BABA
Officiating Chairperson & MEMBER (A)

H.S