

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

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

Case No. – OA-1028 of 2018

Serial No. and Date of order	Mallika Karmakar For the Applicant	VERSUS – The State of West Bengal & Ors..	Mr. A. Sinha, Learned Advocate.
<u>18</u> 27.09.2022	For the State Respondents	:	Mr. S. Ghosh, Learned Advocate.

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 direction to the respondents to release her pension and other retiral benefits. According to the learned advocate for the applicant, the applicant was a permanent employee working under the Health & Family Welfare Department as Health Assistant. However, due to her absence from duties from 01.12.2003 to 31.01.2014 she has not submitted leave application. The applicant superannuated on 31.01.2014.

Mr. Ghosh submits that during this long years of absence, the applicant did not submit any application for leave to the respondent and no reason is stated anywhere only a representation was submitted before the D.H.S., W.B. on 14.02.2022 eight years after her retirement. Therefore, as per the existing rules, such an employee is not eligible for any pension and

other retiral benefits.

However, Mr. Ghosh submits if a direction is given to the respondent to consider and dispose of the representation she submitted on 14.02.2022, the respondent will comply.

After hearing both the learned advocates and considering the facts and circumstances, the application is disposed of by directing the Respondent No. 2, D.H.S., W.B. to consider and dispose of the representation of the applicant dated 14.02.2022 as per law appearing at page 11 of the supplementary affidavit filed by the applicant within a period of twelve weeks from the date of this order and to communicate the same to the applicant within a period of two weeks thereafter. While considering the representation, the respondent should also take into account that the applicant had worked as Health Assistant under the Health & Family Welfare Department for last twenty two years to the best of her ability.

Accordingly, OA is disposed of.

SAYEED AHMED BABA
MEMBER (A)

sc