

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Bikash Bhavan, Salt Lake, Kolkata – 700 091.**

**Present-**

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

**Case No. – OA-1324 of 2016**

**Hiralal Ghosh VERSUS – The State of West Bengal & Ors.**

Serial No. and  
Date of order

For the Applicant : Mr. D. Karan,  
Learned Advocate.

14  
18.07.2022

For the State  
Respondents : Mrs. S. Agarwal,  
Learned Advocate.

In this application, the applicant prays for disbursal for pension without pressing for other prayers. The applicant worked as a Field Worker in the year 1973 and continued till 1991 as a temporary Spray Worker. On 17.05.1991, he was issued a appointment letter to work as field worker on monthly pay. On 16.01.2009, he was finally absorbed as G.D.A. and on 31.01.2015 he retired.

It appears from the record that the applicant has served as Group-D employee for a period of only six years fifteen days. Thus, not qualified for pension. Although, the applicant made a prayer to the respondents for counting of past services but the same was rejected by the respondents. The respondents rejected the application on the ground that a shortfall of around four years do not qualify him for pension.

Mr Karan submits that under Rule 18 (b) and 22 of the D.C.R.B. Rules allow continuation of past service with certain conditions. Mr. Karan also cites High Court judgement reported in 2004(4) CHN (Cal) 32, Para 11,14 and 16.

Mrs. Agarwal also points out to page 28 which appears to be a certificate in respect of this applicant issued by Deputy C.M.O.H. Midnapore to that effect the applicant worked

from 1973 to 1974 and 1976 to 1991. Mrs. Agarwal submits that from this certificate, it is very clear that the applicant had more than two years of service break from 1974 to 1976. Therefore, he is not entitled for his past service to be counted as per D.C.R.B. Rules, 1971. Mrs. Agarwal submits that it is clearly stipulated in the Rules that for counting of past service, the service has to be continuous and without any break.

Order Reserved.

SAYEED AHMED BABA  
MEMBER (A)

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