

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 149 of 2019

Sukdeb Sarkar -- VERSUS – The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicant : Mr. G.P. Banerjee,
Ms. A.P. Banerjee
Ld. Advocates.

16
15.07.2024

For the State Respondents : Ms. R. Sarkar,
Mr. S. Debray,
Mrs. A. Bhattacharya,
Ld. Depttl. Reps.

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.

The prayer in this application is for a direction to the respondent authorities to condone the shortfall of service tenure by way of granting him his regular pension after withdrawing the order dated 19.09.2018. By memo. dated 19.09.2018, it is observed that the applicant, Bhumi Sahayak had served the Government for only 9 years, thus, shortfall of one year to enable him to be pensionable. The memo also refers to Rule 36 of West Bengal Services (Death-cum-Retirement Benefits) Rules, 1971 which would if exercised in his favour would only add another six months after condonation.

After hearing the initial submissions of the learned counsels and the learned Departmental Representatives and after a cursory examination of the records in this application, the Tribunal is of the opinion that this matter involves interpretation of various points of law, therefore, it would be rather appropriate if this matter is placed before and heard by a Bench comprising two Members (Judicial & Administrative).

Mr. Banerjee and the learned Departmental Representatives also agree to this point of view.

In view of above opinion and consented by both the sides, let this matter be placed and heard by a Bench comprising two Members (Judicial and Administrative) under the heading “**Hearing**” on **13.02.2025**.

CSM/SS

SAYEED AHMED BABA
Officiating Chairperson & Member (A)