

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, Ld. Advocate.
	For the State respondent	: Ms. R. Sarkar, Mr. S. Debray, Mr. R. Bag, Ld. Depttl. Reps.

15  
19.03.2024

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 23<sup>rd</sup> 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 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.

Appearing on behalf of the applicant Mr. Banerjee submits that in similar matters, the Hon'ble High Court at Calcutta has passed orders in WPST 112 of 2019 (Asim Kumar Chakrabarti v. The State of West Bengal & Ors.) directing the respondents to condone such shortfall.

Learned Departmental Representatives have prayed for accommodation to examine the order of the Hon'ble High Court and present their views on the next date.

Let the matter appear under the heading “**Hearing**” on **15.07.2024**.

**SAYEED AHMED BABA**  
**Officiating Chairperson & Member (A)**

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