

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman

Case No. – OA 156 OF 2014

SITANATH PAL - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and
Date of order

19
27.06.2022

For the Applicant	:	Mr. Debdutta Raha Mr.Suvom Dutta Advocates
For the State respondents	:	Mr.Sourav Deb Ray Ms. Ruma Sarkar (Departmental Representative)
For the Principal Accountant General (A&E) West Bengal	:	Mr.Biswanath Mitra (Departmental Representative)

The matter is taken up by the single Bench pursuant to the order contained in the Notification No. 118-WBAT/1E-08/2003 (Pt.-II) dated 11th February, 2022 issued in exercise of the powers conferred under section 6 (5) of the Administrative Tribunals Act, 1985.

In this application, Sitanath Pal, the applicant, has prayed for several reliefs, the relevant portion of which is as under:

“C. A direction be given upon the respondents and each one of them, their men, agents, subordinates and servants to settle and revise the pension case of the applicant in terms of the 1995 G.O. thereby counting past services rendered as Tahsildar from 27.7.1974 to 30.06.1984 as well as allowing the benefits of the Government order dated 25.02.2009 in terms of the West Bengal Services (Revision of Pay and allowance) Rules, 2009 and release the arrear pensionary benefits within a time as specified by this Hon'ble Tribunal.”

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It is submitted by Mr.D.Raha, learned advocate for the applicant that the service of the applicant, who was a Tahsildar, was confirmed with effect from 1st July, 1987. He had superannuated on 31st January, 2008. Submission is as the applicant had rendered continuous service he is entitled to the counting of past service rendered as Tahsildar from 27th July, 1974 to 30th June, 1984 and is entitled to the benefits of the Government Order dated 25th February, 2009 in terms of the West Bengal Services (Revision of Pay and allowance) Rules, 2009. Prayer is for release of arrear pensionary benefits.

Mr.S.Deb Ray, the Departmental Representative for the Land and Land Reforms Department, West Bengal submits that there is no dispute that the applicant had rendered continuous service. Referring to the appointment letter being Annexure- 'C' to the application, submission is appointment was given to the applicant on a condition that he would have to surrender Government share of contribution along with interest accrued thereon towards his contributory provident fund and his share along with interest accrued thereon in such General Provident Fund shall be transferred to General Provident Fund Account to be opened on his joining the post of Bhumi Sahayak. Since the applicant is yet to surrender the Government share of contribution along with interest, no order may be passed with regard to prayer 'C' which is premature.

On a query, it is submitted that in the event, the applicant surrenders the Government share of contribution along with interest accrued thereon, the case of the applicant will be considered in terms of prayer 'C' of the application.

Learned advocate for the applicant submits that since the applicant had rendered continuous past service and he is ready to surrender the Government share of contribution along with interest being one of the terms in the

ORDER SHEET

Form No.

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appointment letter, appropriate order may be passed.

Heard Mr.B.Mitra, the departmental representative for the Principal Accountant General (A&E) West Bengal.

Having heard the learned advocates for the applicant and the Departmental representatives, since it is an admitted fact that the applicant had rendered continuous service before joining as Tahsildar and as he is ready to surrender Government share of contribution along with interest accrued thereon being one of the terms in the appointment letter, considering such fact, the application is disposed of by directing the Director of Land Records and Survey and Joint Land Reforms Commissioner, West Bengal the respondent no. 2 to initiate steps for counting past service from the date the applicant returns the Government share of contribution along with interest and shall pass necessary orders for giving the benefits of the Government order dated 25th February, 2009 in terms of the West Bengal Services (Revision of Pay and allowance) Rules, 2009 and release arrear pensionary benefits, if any, within fifteen weeks from the date of presentation of a copy of this order downloaded from the website of the Tribunal after verifying the records .

Let a copy of the memo. dated 27th April, 1995 be kept on record.

The application is disposed of.

(SOUMITRA PAL)
CHAIRMAN

BLR