

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 172 of 2025

Harigopal Majhi -- VERSUS – The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicant : Mr. Sourav Bhattacharjee,
Ld. Advocate.

For the State Respondents : Mr. G.P. Banerjee,
Ld. Advocate.

02
18.08.2025

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 applicant has prayed for setting aside the impugned memo. no. 813 dated 01.10.2024. The Superintending Engineer, North-East Irrigation Circle-II, Jalpaiguri informs the Executive Engineer, Jalpaiguri Irrigation Division that the matter referred in memo. no. 1786 dated 19.09.2024 for granting of pension to the applicant is not acceptable. In the letter, the Executive Engineer had observed that the applicant has served only 9 years 8 months and 19 days, therefore, not entitled for pension, except gratuity.

The fact that the applicant served only for 9 years 8 months and 19 days is not in dispute. It is true that the applicant having a shortfall around 3 months and 11 days is not qualified to receive regular pension. The Tribunal is aware that the respondent authorities have the discretion to relax and condone such shortfall in the service upto a maximum of six months under the West Bengal Services (Death-cum-Retirement Benefits) Rules, 1971.

Mr. Banerjee, learned counsel appearing on behalf of the State respondents has submitted that if a direction is given to the respondent authorities, for such relaxation under the rule, the same will be complied. Mr. Banerjee has drawn my attention to a copy of hand written prayer by the applicant before the Executive Engineer, Jalpaiguri Irrigation Division.

Having heard the submissions of the learned counsels and after considering the fact that the applicant's total length of service has a shortfall of 3 months and 11 days and it can be condoned by

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using the discretionary powers under the Rule 36 of West Bengal Services (Death-cum-Retirement Benefits) Rules, 1971, liberty is given to the applicant to file a representation praying for condonation of deficiency in service of the applicant before the respondent no. 1A, the Additional Chief Secretary, Irrigation and Waterways Department within two months from today. The respondent no. 1A is directed to examine the representation submitted by the applicant and take a decision under Rule 36 of West Bengal Services (Death-cum-Retirement Benefits) Rules, 1971 at the earliest, preferably within three months from the date of submission of the representation. The decision taken by the respondent authorities be communicated to the applicant within two weeks thereof.

Accordingly, this application is **disposed of**.

SAYEED AHMED BABA
Officiating Chairperson & Member (A)

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