

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

HON'BLE JUSTICE SOUMITRA PAL, HON'BLE CHAIRMAN.

Case No. – OA 199 of 2021.

SK. KHURSED ALI - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	: Mr. S. Ghosh, Mr. A. Mitra, Advocates.
<u>2</u> 19.4.2021	For the State Respondent	: Mr. B.P. Roy, Advocate.

The matter is taken up by the single Bench pursuant to the Notification No. 949-WBAT/2J-15/2016 dated 24th December, 2020 issued in exercise of the powers conferred under sub section (6) of section 5 of the Administrative Tribunals Act, 1985.

Affidavit of service filed by kept on record.

In this application Sk. Khursed Ali, the applicant has prayed for certain reliefs, the relevant portion of which is as under :-

“.....(a) An order do issue directing the respondent authorities to forthwith grant pension and arrear pension after condoning the shortfall in qualifying service taking into account the past service rendered by him under respondent no. 4 as “National Volunteer Force” from 11.06.1984 to 17.01.2007, within a stipulated time period.

(b) An order do issue directing the respondent authorities to dispose and pass a reason and speaking order pertaining to the representation dated 05.09.2019 in accordance with law after giving an opportunity of hearing to the applicant.

(c) An order do issue directing the respondent authorities to forthwith grant pension and arrear pension and other consequential benefits arising thereto @ 18% p.a. till the actual date of realization of the same....”.

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It appears that the applicant prior to joining the West Bengal Police as constable served as National Volunteer Force from 11th June, 1984 to 17th January, 2007. After being selected, the applicant joined the post of constable on 18th January, 2007 and had superannuated on 31st January, 2016 after nine years fourteen days of service in the post of constable. The applicant has received gratuity and leave salary lump sum. Submission is as the service rendered as constable was in continuation of his service in the National Volunteer Force, the respondents may be directed to take the entire period of service from 11th June, 1984 till 31st January, 2006 as one unit and thus, he is entitled to pension in accordance with law. In support of his submission, Mr. S. Ghosh, learned advocate for the applicant has relied on the judgement passed on 23rd July, 2014 in W.P.S.T. 379 of 2013 Anantalal Mahata – versus-State of West Bengal & Ors. It is submitted that since representation dated 5th September, 2019, being annexure “C” to the application has been filed, appropriate order may be passed.

Mr. B.P. Roy, learned advocate appearing on behalf of the State respondents submits, if directed, the respondent authorities will consider the said representation in accordance with law.

Having heard learned advocates for the parties and considering the facts and circumstances of the case, the application is disposed of by directing the Additional Chief Secretary, Home and Hill Affairs Department, Government of West Bengal, - the respondent no. 1, to dispose of the representation dated 5th September, 2019, appearing at page 36 of the application, by passing a reasoned order to be communicated to the parties within fifteen weeks from the date of

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presentation of a copy of this order downloaded from the internet/website after giving an opportunity of hearing, after verifying the records and after considering the law laid down in Anantalal Mahata (supra).

(SOUMITRA PAL)
CHAIRMAN

Skg.