

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman.

Case No. - OA 208 of 2021

Prasanta Bhattacharya - **VERSUS** - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	: Ms. A. Shaw, Advocate.
<u>2</u> 19.04.2021	For the State respondents	: Mr. G.P. Banerjee, 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 be kept on record.

Since despite of service, none appears on behalf of the State respondents, Mr. G.P. Banerjee, learned advocate who normally appears on behalf of the State respondents, is requested to appear in this matter. Let a copy of the application be served on him, which is served and accepted. The Legal Remembrancer, West Bengal is directed to regularise the appointment of Mr. Banerjee.

In this application, Prasanta Bhattacharya – the applicant has prayed for certain reliefs, the relevant portion of which is as under :

“.....(a) *An order do issue commending the respondents and their agents and subordinates to grant the full pension to the applicant upon compliance of Rule 36 of the D.C.R.B. Rule 1971 and condone the shortfall of 5 months extend the financial benefit of full pension to the applicant forthwith.*

(b) *Directing the respondents to consider the representation of he*

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applicant and pass a reasoned order based on such representation.”

It is submitted by Ms. A. Shaw, learned advocate for the applicant that since under Rule 36 of the DCRB Rules, 1971, authority has been vested on the State respondents to condone the shortfall of service upto 6 months and to grant family pension and in the case of the applicant the shortfall is five months, appropriate order may be passed. Submission is though a representation dated 28th March, 2019 was submitted before the District Land and Land Reforms Officer, Paschim Medinipore, the respondent no. 3, no steps have been taken. Aggrieved this application has been filed.

Mr. Banerjee submits, if directed, the respondent authorities will consider the matter in accordance with law.

Having heard the learned advocates for the parties and considering the facts and circumstances of the case, the application is disposed of by directing the District Land and Land Reforms Officer, Paschim Medinipore, the respondent no. 3 to dispose of the representation dated 28th March, 2019 praying for condonation of shortfall of service for grant of pension by passing a reasoned order to be communicated to the parties within 15 weeks from the date of presentation of a copy of this order downloaded from the internet / website after giving an opportunity of hearing to the applicant and after verifying the records.

(SOUMITRA PAL)
CHAIRMAN

Rajib

ORDER SHEET

PRASANTA BHATTACHARYA

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