

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 240 of 2022

***Khagendra Nath Dolai* -- VERSUS – The State of West Bengal & Ors.**

Serial No. and Date of order	For the Applicant	: Mrs. S. Das, Ld. Advocate.
	For the State respondent Nos. 1,3, 4 & 5	: Mr. A. De, Depttl. Rep.
<u>05</u> 08.12.2022	For the Pr.AG (A&E), WB	: Mr. B. Mitra, Depttl. Rep.

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.

On consent of the learned counsels for the contesting parties, the case is taken up for consideration sitting singly.

In this application, the prayer is for a direction to the respondent to disburse his arrear pension with interest @ 10% per annum. It appears that the applicant has a shortfall of 4 years , 4 months and 17 days in qualifying service for pension and other retiral benefits.

Mr. De, representing the department submits that the employee has not furnished any representation before the respondent requesting condonation of this shortfall in qualifying service. Unless such a representation is furnished before the respondent, the respondent is not in a position to consider the matter to which Mrs. Das, learned counsel appearing on behalf of Mr. S.N. Ray, learned advocate-on-record for the applicant agrees that the employee has not submitted any representation before the respondent for consideration.

In view of the above, the application is disposed of by directing the applicant to first submit such a representation before the State respondents. The Respondent No. 3, District Land & Land Reforms Officer, Paschim Medinipur is also directed to consider and deal with such a representation, if submitted by the applicant according to law within a period of twelve weeks from the date of submission of such representation and communicate the same to the applicant within a period of two weeks thereof.

CSM/SS

SAYEED AHMED BABA
Officiating Chairperson & Member (A)