

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman.

The Hon'ble Sayeed Ahmed Baba, Administrative Member

Case No. – OA 260 of 2021

Uday Kumar Pore - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	: Mr. P. K. Mondal, Advocate.
<u>02</u> 10.09.2021	For the State respondents	: Mr. S. Ghosh, Advocate.
	For the Principal Accountant General (A&E), West Bengal	: Mr. B. Mitra, Departmental Representative.

Let affidavit of service filed be kept on record. Perused the order dated 24th March, 2021.

In this application, Uday Kumar Pore-, the applicant, has prayed for certain reliefs, the relevant portion of which is as under :

“(a) An order to issue by directing the concerned respondent authorities to consider the petitioner’s representations as annexure “A-3” & “A-5” to this application before his date of superannuation dated w.e.f. 31.1.2022 by giving an opportunity of hearing to the petitioner and take a decision in accordance with law and also in terms of provisions of Rule 36 of the DCRB Rules.

“(b) A further order to issue by directing the concerned respondent authorities to allow the applicant’s pension and other benefits after his superannuation dated 31.1.2022 by condoning of deficiency of 2 months & 16 days in his qualifying service in terms of provisions of Rule 36 of the DCRB Rules.”

It is submitted by Mr. P.K. Mondal, learned advocate for the applicant since the applicant joined as 4th grade clerk in the office of the Executive Engineer on 18th April, 2021 and is going to

ORDER SHEET

Form No.

Uday Kumar Pore

Case No. **OA 260 of 2021**

Vs.

The State of W.B. & Ors.

superannuate on 31st January, 2022 and as there is a deficiency of 2 months and 16 days in his qualifying service in terms of the provisions of Rule 36 of the DCRB Rules for drawing pension and as prayer has been made before the respondent authorities for condoning the delay for grant of pension, appropriate order may be passed directing the respondents to consider the representations annexed to the application.

Mr. S. Ghosh, learned advocate for the State respondents submits though the applicant has not superannuated, however if directed, the respondent authorities will consider the representations in accordance with law.

Heard Mr. B. Mitra, the departmental representative for the Principal Accountant General (A&E), West Bengal, the respondent no. 5.

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 Secretary, Department of Irrigation and Waterways, the respondent no. 1 to dispose of the representation dated 18th January, 2021, being annexure "A-5" to the application, by passing a reasoned order to be communicated to the parties within 10 weeks from the date of presentation of a copy of this order downloaded from the website of the Tribunal, after giving an opportunity of hearing, after verifying the records and in accordance with the DCRB Rules, particularly Rule 36 thereof, and after considering the order passed on 10th May, 2018 in OA 1261 of 2016 (Biswanath Gayen –Vs- The State of West Bengal & Others).

Rajib

(SAYEED AHMED BABA)
MEMBER (A)

(SOUMITRA PAL)
CHAIRMAN

ORDER SHEET

Form No.

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