

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble SAYEED AHMED BABA, Member (A)

Case No. – OA-328 of 2022

Ashoke Kumar Patra VERSUS – The State of West Bengal & Ors.

Serial No. and
Date of order For the Applicant : Mr. A.K. Das Sinha,
Learned Advocate.

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28.07.2022 For the State Respondents : Mr. G.P. Banerjee
Learned Advocate.

For the Pr. A.G.W.B. Mr. B. Mitra.

In this application, the applicant has prayed for condonation of around six months to qualify him for pension. The applicant worked as a NVF Volunteer till he joined as a constable under W.B.P. on 01.03.2006 and retired on 30.09.2015, thus, he rendered regular service for 9(Nine) years 6 (Six) months and 19 (Nineteen) days. Since to qualify for pension, the employee requires a minimum of 10 (ten) years regular service, Mr. Sinha prays that respondent's discretionary power under Rule 36 of DCRB Rules, 1971 may be used in this case.

Mr. Banerjee submits that this discretionary power lies with the head of the department. In this case, the Additional Chief Secretary, Home & Hill Affairs Department is the appropriate authority to condone the shortfall of qualifying service for pension. Therefore, the applicant may submit a fresh application for condonation of the shortfall of service before the Respondent No. 1, Addl. Chief Secretary, Home & Hill Affairs Department.

In view of the above, the applicant is directed to submit a fresh representation before the Respondent No. 1 within four

months praying for condonation of shortfall to qualify him for pension. Respondent No. 1 is directed, if such representation is filed within the stipulated period of time; the same may be considered and disposed of as per law within a period of eight weeks thereafter. Accordingly, OA is disposed of.

SAYEED AHMED BABA
MEMBER (A)

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