

**ORDER SHEET**

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Bikash Bhavan, Salt Lake, Kolkata – 700 091.**

**Present-**

**THE HON'BLE SAYEED AHMED BABA, OFFICIATING CHAIRPERSON AND ADMINISTRATIVE MEMBER,  
Case No. – OA 349 OF 2022**

**AMIR ALI MULLICK - VERSUS - THE STATE OF WEST BENGAL & ORS.**

Serial No. and Date of order	For the Applicant	:	Mr. Manujendra Narayan Roy Advocate
<u>08</u> 23.08.2023	For the State respondents	:	Mr.Soumendra Narayan Ray Advocate
	For the Principal Accountant General (A&E) West Bengal	:	Mr.Biswanath Mitra (Departmental representative)

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 23<sup>rd</sup> 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 and the learned Departmental Representative for the contesting parties, the case is taken up for consideration sitting singly.

The applicant has prayed for a direction to the respondent authorities to grant him pension along with arrears after condoning the shortfall in his qualifying service under Rule 36 of DCRB Rules.

Submission of Mr.M.N.Roy, learned counsel for the applicant is that in this regard, the applicant had furnished a representation before the respondent authorities on 25.11.2021. Since the respondent has not considered the representation, suitable direction may be given. Mr.Roy also relied on a judgement of the Hon'ble High Court delivered on 30.04.2014.

Mr.S.N.Ray, learned counsel for the State respondents submits that if such a direction is given, the representation will be considered and decided as per merit and rules.

After hearing the submissions of the learned counsels, this application is disposed of by directing the respondent No. 2, the Director of Personnel & Ex-

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Officio Chief Engineer, Irrigation and Waterways Directorate, to consider the representation of the applicant dated 25.11.2021 and pass a reasoned order as per rules and his eligibility and after giving an opportunity of hearing, within a period of 3 months from the date of communication of this order.

Accordingly, the application is disposed of.

**(SAYEED AHMED BABA)**  
**OFFICIATING CHAIRPERSON AND MEMBER (A)**

BLR