

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

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

Case No. – OA-377 of 2022

Md. Mahabat Hossain VERSUS – The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicant : Mr. J. Dey,
Learned Advocate.

02
28.07.2022

For the State
Respondents : Mr. S.K. Mondal,
Mrs. S. Agarwal
Learned Advocates.

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

In this application, the applicant prays for a direction for setting aside the impugned order dated 17.05.2022 which is a rejection order by the respondent regarding his prayer for condonation of shortfall of service period. The applicant joined as a constable in W.B.P. on 25.01.2007 and retired on 31.08.2016, leaving a shortfall of around six months to qualify for pension. On an earlier occasion, the Tribunal had directed the respondents to dispose of his prayer for condonation of shortfall for getting pension as per law. The respondents considered the representation and rejected the same on 17.05.2022 citing that "his service as NVF was uninterrupted". Learned advocate for the applicant prays that the impugned order may be quashed and direction may be given to the respondent to condone the deficiency.

Mr. Mondal appearing on behalf of the respondent submits that since he could not complete the required 10 (ten) years service and since his service as NVF was not continuous, therefore, the prayer was rejected. Moreover, as NVF to become a

constable he has already benefitted, using 10 % quota. Thus the applicant has already benefitted from the Scheme, therefore, the applicant cannot claim another benefit by praying for condonation of shortfall for getting pension from his service as a constable..

Let the matter be listed under the heading “For Orders” on **21.11.2022**. Reply/rejoinder, if any, in the meantime.

SAYEED AHMED BABA
MEMBER (A)

sc