

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 508 of 2014

Rasonara Begam -- VERSUS – The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicant : Mr. K. Ali,
Ld. Advocate.
For the State Respondents : Ms. R. Sarkar,
Mr. S. Debray,
Mr. R. Bag,
Ld. Departmental Representatives.
For the Pr.AG (A&E), WB : Mr. B. Mitra,
Ld. Departmental Representative.

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13.05.2025

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.

Since the applicant, Abdul Momin Mondal is deceased and his wife, Rasonara Begam has been substituted as the applicant in this application, the Tribunal gives liberty to the applicant's side to mould the prayer from pension and other retiral benefits to family pension and other terminal benefits. The original prayer of the deceased applicant was for release of "pensionary benefits and other retiral benefits after counting the past services rendered by the petitioner as Tehshilder".

Learned counsel for the applicant submits that the deceased employee, Abdul Momin Mondal was initially appointed as a Tehshilder at the office of Sub-Divisional Officer, Hooghly in the year 1975. In terms of an order no. 9608 dated 29.09.1984, all the Tehshilders were absorbed as Bhumi Sahayak. Subsequently, by memo. no. 5128 dated 26.10.1984, the deceased employee was absorbed to the post of Bhumi Sahayak under the integrated set up of Land Reforms Department. The deceased employee continued to serve as Bhumi Sahayak till 1987. Submission is that without any written order, the salary of the deceased employee was stopped w.e.f. August 1987 and he was also not allowed to resume his duties as Bhumi Sahayak. Several applications were furnished by the deceased employee praying for allowing him to

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resume his duties and payment of his arrear salaries. Despite several requests, he was neither allowed to resume his duties nor paid his arrear salaries and on 28.02.2012, after attaining the age of 60, he superannuated.

Ms. Sarkar also pointed out that the deceased employee was well aware of his responsibility in refunding the employer's contribution to the Contributory Provident Fund, which was clearly stipulated in the appointment letter to the deceased employee for his absorption in the post of Bhumi Sahayak. Despite such knowledge, the deceased employee did not refund the employer's share and therefore, he was not entitled to benefit of counting of past services in terms of memo no. 2944 dated 27.04.1995.

After hearing the submissions of learned counsels and after examination of records, it has become clear to the Tribunal that the deceased employee was not found pensionable in terms of memo. no. 2944 dated 27.04.1995. By this memo, the erstwhile Board of Revenue allowed continuation of service for those Tehshilders, who were absorbed as Bhumi Sahayaks w.e.f. 01.07.1984 to enable them the benefit of pension and other retiral benefits. However, the following two conditions were attached for such counting of their past services as Tehshilders :

- (a) the period of service rendered as Tahasildar must be continuous and followed without interruption by service as Bhumi Sahayaks; and
- (b) the employer's share to the Contributory Provident Fund with interest thereon is refunded to Government.

Although the deceased employee fulfils the 1st condition, but had failed to fulfil the 2nd condition which required him to refund to the Government with interest the employer's share of the Contributory Provident Fund. It has been admitted by the applicant's side that the deceased employee did not refund

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employer's share of Contributory Provident Fund with interest. As such, past services as Tehshilders could not be counted and therefore, not entitled for pension and other retiral benefits. The deceased employee was absorbed as a Bhumi Sahayak in the year 1984 and after serving only till 1987 his services were discontinued. Therefore, the effective orders of service as Bhumi Sahayak was only from 1984 to 1987 and his services as Tehshilder from 1975 to 1984 could not be added as Bhumi Sahayak due to non-fulfilment of the 2nd condition in memo. no. 2944 dated 27.04.1995.

With the above observation and not finding any merit, this application is **disposed of** without passing any order.

SAYEED AHMED BABA
Officiating Chairperson & Member (A)

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