

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

HON'BLE JUSTICE SOUMITRA PAL, HON'BLE CHAIRMAN.

Case No. – OA 530 of 2021.

Rampada Das - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	: Mr. S. Ghosh, Mr. A. Mitra, Advocates.
<u>2</u> 27.8.2021	For the State Respondent	: Mr. G.P. Banerjee, Advocate.
	For the Principal Accountant General (A&E), West Bengal	: Mr. B. Mitra, Departmental Representative.

The matter is taken up by the single Bench pursuant to the Notification No. 949-WBAT/2J-15/2016 dated 24th December, 2020 issued in exercise of the powers conferred under sub section (6) of section 5 of the Administrative Tribunals Act, 1985.

Affidavit of service filed by kept on record.

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

“.....(a) An order do issue directing the respondent authorities to forthwith grant pension and arrear pension after condoning the shortfall in qualifying service taking into account the past service rendered by him under respondent no. 5 as “National Volunteer Force” from 11.06.1984 to 17.08.2008, within a stipulated time period after considering the Order/Judgment dated 23.07.2014 passed in WPST 379 of 2013 with WPST 503 of 2013 by the Hon’ble High Court, Calcutta (Annexure-“D” in the instant Original Application).

(b) An order do issue directing the respondent authorities to dispose and pass a reason and speaking order pertaining to the representation dated 22.07.2019 in accordance with law after giving an opportunity of hearing to the applicant.

(c) An order do issue directing the respondent authorities to forthwith grant pension and arrear pension and other consequential

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benefits arising thereto @ 18% p.a. till the actual date of realization of the same....”

It appears that the applicant prior to joining the West Bengal Police as constable served as National Volunteer Force from 11th June, 1984 to 17th August, 2008. After being selected, the applicant joined the post of constable on 18th August, 2008 and had superannuated on 31st December, 2014 after six years four months thirteen days of service in the post of constable. Though the applicant has received gratuity and lump sum leave salary, however pension has not been granted for non-completion of the statutory period for grant of pension. Submission is as the service rendered as constable was in continuation of his service in the National Volunteer Force, the respondents may be directed to take the entire period of service from 11th June, 1984 till 31st December, 2014 as one unit. Accordingly, he is entitled to pension in accordance with law. In support of his submission, Mr. S. Ghosh, learned advocate for the applicant has relied on the judgement passed on 23rd July, 2014 in W.P.S.T. 379 of 2013 Anantalal Mahata – versus-State of West Bengal & Ors. It is submitted that since representation dated 22nd July, 2019, being annexure “C” to the application has been filed, appropriate order may be passed for consideration of the same.

Mr. G.P. Banerjee, learned advocate appearing on behalf of the State respondents submits, if directed, the respondent authorities will consider the said representation in accordance with law.

Mr. B. Mitra, the departmental representative for the Principal Accountant General (A&E), West Bengal adopts the submission of Mr.

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Banerjee.

Having heard learned advocates for the parties and considering the facts and circumstances of the case, the application is disposed of by directing the Additional Chief Secretary, Home and Hill Affairs Department, Government of West Bengal, - the respondent no. 1, to dispose of the representation dated 22nd July, 2019, appearing at pages 22 and 23 of the application, by passing a reasoned order to be communicated to the parties within fifteen weeks from the date of presentation of a copy of this order downloaded from the internet/website after giving an opportunity of hearing, after verifying the records and after considering the law laid down in Anantalal Mahata (supra).

Rajib.

(SOUMITRA PAL)
CHAIRMAN