

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

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

Case No. – OA-533 of 2021

Asoke Bhakat VERSUS – The State of West Bengal & Ors.

Serial No. and Date of order	For the Applicant	:	Ms. A. Shaw, Learned Advocate.
<u>04</u> 28.03.2022	For the State Respondent	:	Mr. G.P. Banerjee, Learned Advocate.
	For the Pr. A.G.W.B.	.	Mr. B. Mitra.

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 118-WBAT/1E-08/2003 (Pt.-II) dated 11th February, 2022 issued in exercise of the powers conferred under Section 6 (5) of the Administrative Tribunals Act, 1985.

Affidavit of service has been filed. Let it be kept with the record. Heard counsels for all the parties.

The counsel for the petitioner has cited Judgements of Hon'ble High Court where the Hon'ble Court directed the State Govt. to condone the delay for calculation of pension. The petitioner submits that her client Mr. Asoke Bhakat is similarly circumstanced and has a shortfall of 35 (thirty five) days should be condoned. The Public Works Deptt. in its impugned order dated 11.06.2021 had rejected the petition citing Rule 36 of D.C.R.B. Rules and stated that Shri Bhakat's case is not the case of invalid or compensation pension, hence the shortfall of 35 days cannot be condoned.

Counsel for the state respondent submits that Shri Bhakat is not eligible for condonation of 35 days shortfall because he does not come under the criteria of invalid and compensation pension. Moreover, the case of Hon'ble High Court cited by the counsel for the petitioner relates to the teachers under the School Education Department, and therefore, the case of Shri Bhakat is not similarly circumstanced.

Counsel for the State respondent has also submitted that no ground has been cited by the petitioner for condonation of delay in the

ORDER SHEET

Form No.

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petition. Mr. Banerjee, has also submitted that there is no ground for challenging the impugned order of the Addl. Chief Secretary, P.W.D.

Having heard the counsel for the parties and considering the facts and circumstances of the case, I find no merit that Shri Bhakat's case of condonation of 35 days comes under the rule. Therefore, the Tribunal upholds the order passed by the Additional Chief Secretary, P.W.D. rejecting the prayer for condonation of delay of 35 days.

Since the circumstances beyond control, the Registry is unable to furnish plain copies of this order to the learned advocates for the parties, the Registry is directed to upload this order on the website of the Tribunal forthwith and parties are directed to act on the copies of the order downloaded from the website.

SAYEED AHMED BABA
MEMBER (A)

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