

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 548 of 2022

Smt. Sabita Mondal. - Versus - The State of West Bengal & Others.

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| Serial No. and Date of order <u>03</u> 15.12.2022. | For the Applicant | : | Mrs. S. Agarwal, Advocate. |
| | For the State Respondents | : | Mr. A. De, Ms. R. Sarkar, Mr. S. Debray, Departmental Representatives. |
| | 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 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.

On consent of the learned counsels for the contesting parties, the case is taken up for consideration sitting singly.

Mrs. S. Agarwal, learned counsel for the applicant prays for a suitable direction to the respondent to condone the shortfall of 2 months 13 days to qualify him for pension. The applicant was appointed on compassionate ground as a 'Peon' and retired from service on 30.04.2015. Later on 03.08.2022, the applicant submitted a representation addressed to the District Land and Land Reforms Officer, Nadia praying condonation of the shortfall. Mrs. Agarwal prays that the respondents may be directed to consider and dispose of this representation.

Mr. A. De, the Departmental Representative representing the Land and Land Reforms Department, submits that this application is not maintainable for the fact that the applicant waited for 7 years after retirement to submit an application and moreover, the applicant has prayed the Tribunal right after submitting such an application to the

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respondent without waiting for any response from the respondents.

However, Mr. A. De, the Departmental Representative submits that if a direction is given to the State to consider the representation, the same will be done as per law which Mrs. S. Agarwal, learned advocate also supports.

After having heard the submission of learned counsels, the matter is disposed of by directing the respondent no. 2(ii) – the District Land and Land Reforms Officer, Nadia to consider the representation of the applicant appearing at page-22 submitted to him on 03.08.2022 and pass a reasoned order on merit within a period of twelve weeks from the date of communication of this order and communicate the same to the applicant within a period of two weeks thereafter.

The matter is disposed of.

(SAYEED AHMED BABA)

Officiating Chairperson and Member (A)

S.M.