

**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 563 of 2019**

**KALPANA HORH - Vs - THE STATE OF WEST BENGAL & OTHERS.**

Serial No. and  
Date of order

13  
18.05.2023

For the Applicant : Mr.B.Gosthipati  
Advocates

For the State Respondents : Mr.Goutam Pathak Banerjee  
Advocate

For the Principal Accountant : Mr.Biswanath Mitra  
General (A&E) West Bengal (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 23<sup>rd</sup> 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 and the Departmental representative for the contesting parties, the case is taken up for consideration sitting singly.

This applicant along some other persons were absorbed by the Department of Health and Family Welfare in Midnapore Homoeopathic Medical College and Hospital with effect from 25.01.2006 against the existing vacancies after approval of the Cabinet. The Memo. issued on 01.03.2006 also stipulated that the past service will not be counted towards seniority in the present assignment. The applicant appears to have served the same institution since 02.01.1984 as a casual staff till her regularization Although she was regularised to the post of Peon with effect from 25.01.2016, however, the total length of the service as a regular employee till her superannuation lasted only for 8 years 11 months and 7 days. Thus, not eligible to receive full pension. Knowing that she does not qualify for pension, the applicant had furnished representations before the authorities requesting for condonation of the shortfall of one year and two months. When the proposal for her retiral

benefits were submitted before the Principal Accountant General, it also remarked that due to her service of less than 10 years, she was not entitled for pension.

Submission of Mr.B.Gosthipati, learned counsel for the applicant is the very fact that as a dedicated and sincere employee she served the Institution for more than 30 years. Therefore, the Government should consider granting her pensionary benefits after condonation of just 1 year and 2 months shortfall in the qualifying service.

In response, Mr.G.P.Banerjee, learned counsel for the respondent submits that not only was this made clear in the order of the Department on 01.03.2006 that the past service will not be counted, but this order was never challenged before any forum. The applicant was well aware then and later that since the past service will not be counted she would not be entitled for the benefit of pension. Therefore, filing such an application before this Tribunal in the year 2019 after lapse of more than 13 years, the applicant does not deserve any consideration.

After hearing the submissions of the learned counsels and the learned Departmental representative, the Tribunal is of the opinion that the applicant throughout her tenure with the Institution was aware of this fact that her past service as a casual staff will not be counted for seniority. Therefore she would not be completing 10 years of qualifying service to qualify for the benefit of pension. Thus, the prayer in this application can not be considered and therefore, disposed of without any orders.

Accordingly, the application is disposed of.

BLR

**(SAYEED AHMED BABA)**  
**OFFICIATING CHAIRPERSON AND MEMBER (A)**

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