

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present : **HON'BLE JUSTICE SOUMITRA PAL,** **HON'BLE CHAIRMAN &**
HON'BLE SAYEED AHMED BABA, **ADMINISTRATIVE MEMBER.**

Case No. – OA 617 of 2019.

AJOY KUMAR SAHOO – VERSUS- THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	:	Mr. S.N. Ray, Advocate.
<u>13</u> 09.3.2022	For the Respondent Nos. 1,3,4 and 5	:	Mrs. R. Sarkar, Departmental representative. L & L.R. Department.
	For the Principal Accountant General (A & E), West Bengal.	:	Mr. B. Mitra, Departmental representative.

In this application, Ajoy Kumar Sahoo, the applicant has prayed for disbursement of arrear pension along with interest and for payment of interest for delayed payment of gratuity after condoning the shortfall of service of six months nineteen days for getting pension.

Heard learned advocates for the parties.

We find that the issue is covered by the judgement delivered on 18th January, 2022 passed in WP.ST 91 of 2019 (Sudhansu Karmakar and others – vs- State of West Bengal and others) wherein, interalia, it has been held as under :-

“.....Admittedly, the power to relax the period for the purpose of qualifying service is provided in DCRB Rules, 1971 but with an outer cap of six months. The authorities cannot act in contravention to the statutory provisions nor the Writ Court should issue a Mandamus commanding the authorities to act in clear violation of the statutory provisions. Once the power of relaxation is brindled with an outer cap, the authorities are denuded of power to extend such relaxation, who do not come within the purview thereof...”

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In view of the law laid down by the High Court since the short fall beyond six months cannot be condoned, no order is passed on the application. The application is disposed of.

(SAYEED AHMED BABA)
MEMBER(A)

(SOUMITRA PAL)
CHAIRMAN.

Skg.

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