

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

**The Hon'ble Justice Soumitra Pal, Chairman**

**The Hon'ble Mr. Sayeed Ahmed Baba, Member (Admn.)**

**Case No. –OA 623 of 2021**

**Kanaklata Karan - VERSUS - THE STATE OF WEST BENGAL & ORS.**

Serial No. and Date of order <u>03</u> 01.10.2021	For the Applicant  For the State Respondent  For the Principal Accountant General (A&E), WB	: Mrs. S. Mitra, Advocate. : Mrs. S. Agarwal, Advocate. : Mr. B. Mitra, Departmental Representative.
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Affidavit of service filed be kept on record. As despite service of notice, none appears on behalf of the State respondents, Mrs. S. Agarwal, learned advocate, who normally appears for the State respondents is requested to appear in this matter. Let a copy of this application be served on her, which is served and accepted. The Legal Remembrancer, West Bengal is directed to regularise the appointment of Mrs. Agarwal.

In this application, Kanaklata Karan, Ex-Female Warder of Jhargram Special Correctional Home, Jhargram has prayed for several reliefs. The relevant portion of which is as under :

*“(a) To set aside and/or quashed the impugned Order under Memo. No. 7033/WD-72/19 dated 20.12.2019 passed by the Officer-On-Special Duty and Ex-Officio Director and Inspector General of Correctional Services, respondent no. 2 which is Annexure-“I” to the instant Original Application.*

*(b) A Direction be given upon the respondents to condone deficiency of service of the applicant for one year one month for giving minimum pension of rendering qualifying period of service of 10 years.*

*(c) A Direction be given upon the respondents to after condoning shortfall of service duly issued Pension in favour of the applicant with effect from 01.06.2018 till her death and to pay the arrear amount of pension together with interest @ 8% per annum.”*

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Mrs. S. Mitra, learned advocate for the applicant referring to the impugned order contained in the Memo dated 20<sup>th</sup> December, 2019, appearing at page 36 of the application, submits since the application for pension has been rejected without giving any reason, it may be set aside as in the Memo dated 23<sup>rd</sup> September, 2019 at page 18, particularly in paragraph 3 thereof, it has been mentioned that the total number of working days of the applicant for the period with effect from January 1997 to January 2008 was 3580 days.

Mrs. Agarwal submits that the impugned Memo dated 20<sup>th</sup> September, 2019 is just and proper and the applicant is not entitled to the reliefs as prayed for.

Heard learned advocates for the parties.

The impugned Memo dated 20<sup>th</sup> September, 2019 is as under :

*“Sub : Condonation of qualifying service and subsequent issuance of superannuation pension in respect of Smt. Kanak Lata Karan, Ex Female Warder of Jhargram Special Correctional Home – regarding*

*Ref : His office memo. no. 7640/EB(A) dt. 14.09.19.*

*The undersigned is directed to inform him that the OSD & Ex-Officio DG & IG of Correctional Services, West Bengal has considered and rejected her prayer for condonation of qualifying service and subsequent issuance of superannuation pension.*

*Sd/-*

*For OSD & Ex-Officio DG & IG of Correctional Services,  
West Bengal”*

We find from the impugned Memo quoted above that there is no indication how the application of the petitioner for pension was considered and

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no specific ground has been spelt out for rejecting her prayer for condonation of qualifying service and for issuance of superannuation pension. Be it noted that an order of rejection bereft of grounds is unsustainable as it lacks clarity. Therefore, the impugned Memo dated 20<sup>th</sup> December, 2019 cannot be sustained and is set aside and quashed. The application is allowed.

The Principal Secretary, Department of Correctional Services, Government of West Bengal, the respondent No. 1 is directed to consider the matter afresh and shall pass a reasoned order within fifteen weeks from the date of presentation of copy of this order downloaded from the website of the Tribunal, after giving an opportunity of hearing, after verifying the records and after considering the Memo dated 23<sup>rd</sup> September, 2019, appearing at page 18 of the application.

**(SAYEED AHMED BABA)**  
**Member (A)**

**(SOUMITRA PAL)**  
**CHAIRMAN**

CSM/SS