

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 654 OF 2024

PARITOSH DASGUPTA - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	:	Mr. Rishabh Ahmed Khan, Learned Advocate
	For the State Respondents	:	Mr. Gautam Pathak Banerjee, Learned Advocate
<u>3</u> 21.04.2025	For the Principal Accountant General (A&E), West Bengal	:	Mr. Biswanath 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.

The prayer in this application is for a direction to the respondent authorities to disburse all pensionary benefits with interest in favour of the applicant.

The applicant was appointed on 29.07.2010 as a Sweeper, in the rank of Group 'D' under exempted category in terms of an order dated 22.12.2004 of the Tribunal and retired from service on 30.11.2021 after serving 11 years 4 months and 1 day. Thus, he is entitled to get pension.

Mr. Gautam Pathak Banerjee, learned counsel for the respondents submits since the applicant was absent from 01.01.2020 to 30.11.2021 for 664 days and he superannuated on 30.11.2021, as his absence period has not been regularized, his duration of service to qualify for pension has been reduced to 9 years 5 months and 3 days. Therefore, he is not entitled to get pension.

Mr. Khan submitted that there is no such rule wherein the total length of service can be reduced if an employee had remained absent although his total length of service is more than 10 years. Such action was arbitrary and against the principles of natural justice.

The Tribunal finds the applicant has not agitated these facts before the respondent authorities by filing a representation. In view of this observation, the

ORDER SHEET

Form No.

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application is disposed of by directing the applicant to submit a detailed representation before the respondent No.3, the Commissioner of Police, Howrah Police Commissionerate, ventilating his grievances. If such representation is filed, the said respondent No.3 shall regularize the absent period after examination of the same in the light of the relevant rules and if the applicant is entitled to get pension, then the same may be processed within a reasonable period of time.

(SAYEED AHMED BABA)
OFFICIATING CHAIRPERSON
and MEMBER (A)

SCN.

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