

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-657 of 2022

RATNA GHOSH ROY (KAR) VERSUS – The State of West Bengal & Ors.

Serial No. For the Applicant : Mr. Sankha Ghosh,
and Advocate
Date of For the Respondents : Mr. G.P. Banerjee,
order Advocate

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15.05.2023

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 parties, the case is taken up for consideration sitting singly.

In this application, the prayer is for setting aside the impugned order dated 30.08.2022 issued by the Director of Health Services. The order passed by the Director of Health Services was consideration of the applicant's prayer for counting of the past service in the capacity of Medical Technologist (Lab) to qualify her for full pension.

It appears that the applicant was appointed on contractual basis in the Medical Technologist cadre since 16.06.2003 till her regularisation into the service with effect from 17.05.2007. Such counting of the past service to qualify her full pension has not been accepted by the respondent authority on the ground that the prayer is not tenable and if allowed it will open a pandora's box of similar such prayers for all such cases of regularisation of the posts. Before the merit of the case is examined, it is important to know what the service Rule says about counting of past service for pensionary benefit.

Heard the learned counsels who submit that on the next date relevant rules along with relevant Apex Court judgements will be presented before the Tribunal.

Let the matter appear under the heading "Hearing" on 16.08.2023.

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

SCN.