

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) - Vs - THE STATE OF WEST BENGAL & OTHERS.

Serial No. and

Date of order

For the Applicant : Mr. Sankha Ghosh
Advocate

07

25.06.2024

For the State respondents : Mr. Goutam Pathak Banerjee
Advocate

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

In continuation of the submissions from the last date of hearing on 15.05.2023, Mr.S.Ghosh, learned counsel submits that the reason given by the respondent authority regretting counting of her past service open the ponderous box is not a valid and tenable ground. The fact that the applicant had satisfactorily served in the post of Medical Technologist on contractual basis is to be appreciated and such period should be counted for the benefit of getting the full pension. Mr.Ghosh also felt that due to her satisfactory service as a contractual employee, the respondent authorities were pleased to regularise her services. Mr.G.P.Banerjee, learned counsel informs that though there is no specific rule whether the past service on contractual basis can be counted to qualify the employee for full pension, but such decisions are the exclusive discretion of the respondent authorities. Though the applicant was regularised in the post, but it does not confer on her the right of her past service to be counted. Further, the applicant accepted both the appointment on contractual basis and also her regularization in the post without any murmur of protest. Therefore, the applicant's prayer for

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counting of the past service on contractual basis is not a valid prayer. Supporting the prayer of the applicant, Mr.Ghosh files a copy of WPST-184 of 2010 in which an order has been passed by the High Court of Calcutta. In this case, the Hon'ble High Court had directed the respondent authorities to grant usual pension and gratuity to the petitioner who had completed only 9 years 9 months and 13 days service. Mr.Banerjee responds to this submission by stating that the factual matrix of the case referred by Mr.Ghosh is totally different from the present case. In the case in which the Hon'ble High Court had passed the direction related to a seasonal worker who had not completed the required 10 years of service.

Both the learned counsels wish to file additional orders of the Hon'ble Apex Court and High Court in similar matters on the next date. Let the matter appear under the heading 'Hearing' on 5th December, 2024.

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

BLR