

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 711 of 2022

ASIT BARAN JELLYA - Vs - THE STATE OF WEST BENGAL & OTHERS.

Serial No. and
Date of order

05
10.05.2023

For the Applicant : Mr. Sourav Bhattacharjee
Advocate

For the State respondents : Mr.Goutam Pathak Banerjee
Advocate

For the Principal Accountant : Mr.Biswanath Mitra
General (A&E) West Bengal (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.

On consent of the learned counsels and the Departmental representative, the case is taken up for consideration sitting singly. .

The prayer in this application is for a direction to the respondent authority to condone the deficiency of 108 days in the qualifying service of the applicant and disburse the pensionary benefits.

In this regard, submission of Mr.S.Bhattacharjee, learned counsel is that the applicant as an employee under the department of Health and Family Welfare have submitted two representations requesting condonation of such delay after exercising the discretionary power of Rule 36 of DCRB Rules, 1971.

Appearing on behalf of the State respondents, Mr.G.P.Banerjee, learned counsel submits that the said representation filed by the applicant has mentioned 49 days and not 108 days of delay. However, if the applicant is given liberty to file a fresh representation mentioning the correct number of days to be condoned, the same will be complied with

as per rules.

Mr.G.P.Banerjee, learned counsel submits that such representation has to be considered only after concurrence of the Finance Department. Therefore, the Finance Department may also be made a party and serve a copy and also a copy to the office of the Principal Accountant General (A&E) West Bengal. However, Mr.S.Bhattacharjee, does not agree.

After hearing the learned counsels, the application is disposed of by giving liberty to the applicant to file a fresh representation before the respondent No. 4, the Block Medical Officer of Health, Borjora, Bankura, within a period of four weeks from today. The respondent No. 4, the Block Medical Officer of Health, Borjora, Bankura, is directed to consider and submit such a proposal after receipt of a fresh representation from the applicant before his higher authorities within six weeks from the date of receipt of such representation.

Accordingly, the application is disposed of.

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

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