

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson & Member (A)

Case No. – OA-726 of 2023

Subhasis Dandapat -- VERSUS – The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicant : Mr. S.N. Ray, Ld. Advocate.

For the State Respondents : Mr. G.P. Banerjee, Ld. Advocate.

For the Pr.AG (A&E), WB : Mr. B. Mitra, Ld. Depttl. Rep.

02

10.06.2024

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.

Though the Superintendent of Police, Hooghly Rural Police District passed a reasoned order regretting pensionary benefits to the applicant but submission of Mr. Ray is that his representation dated 01.12.2022 praying for condonation of the shortfall under Rule 36 of the West Bengal Services (Death-cum-Retirement Benefits) Rules, 1971 (in short, "the DCRB Rules, 1971") was not considered. From the submissions of the learned counsels and the records, it is understood that the applicant had superannuated on 30.11.2015 as a Constable but having served less than 10 years of qualifying service, he was not entitled for pensionary benefits. He had served for 9 years 8 months and 29 days, leaving a shortfall of less than 3 months. Submission of Mr. Ray is that the respondent authorities may be directed to consider his representation dated 01.12.2022 in which he had prayed for condonation of such shortfall to qualify him for pension. This Rule 36 of the DCRB Rules, 1971 gives discretionary power to the Government to condone a deficiency of 6 months in the qualifying service of a Government employee.

Mr. Banerjee, learned counsels submits that if a direction is given, the same will be considered as per rules.

Having heard the submissions of the learned counsels and upon consideration of the fact that Rule 36 of the DCRB Rules, 1971 can be applied for this case, if the applicant is found eligible, the Respondent No. 2, the Principal Secretary, Home (Police) Department is requested to consider the representation of the applicant dated 01.12.2022 and consider if Rule 36 of the DCRB Rules, 1971 can be applied in the case of this applicant for condonation of less than 3 months in his qualifying service. Such consideration may be completed within a reasonable period of time.

Accordingly, this application is **disposed of**.

CSM/SS

SAYEED AHMED BABA
Officiating Chairperson & Member (A)