

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 728 OF 2023

ALAUDDIN @ ALAUDDIN SARKAR - Vs - THE STATE OF WEST BENGAL & OTHERS.

Serial No. and
Date of order

For the Applicant : Mr.M.K.Sanyal
Advocate

01
12.12.2023

For the Respondents No. 1, : Ms.Ruma Sarkar
2, 5, 6, 7, 8, and 9 : Mr.Sourav Debray
Mr.R.Bag
(Departmental Representative)

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 counsel and the learned Departmental representatives for the contesting parties, the case is taken up for consideration sitting singly.

The applicant has prayed for setting aside the impugned order dated 04.09.2023 by which his representation for condonation of shortfall of service to qualify for pension has been regretted. In terms of the direction of this Tribunal in OA-700 of 2022, the respondent had considered his representation and regretted the same.

Ms.R.Sarkar, learned Departmental representative submits that such a proposal for condonation was submitted before the Department of Finance and the proposal was not accepted.

Mr.M.K.Sanyal, learned counsel for the applicant submits that the communication dated 04.09.2023 regretting such condonation is not based on any specific reason and as per rule 36 of DCRB, the State has

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the discretionary power to condone such deficiency for shortfall in qualifying service.

After hearing the submissions of the learned counsels, the Tribunal finds that the matter was proposed before the Finance Department. However, Section 36 which is a discretionary power of the Government under the DCRB Rules was not exercised in his favour. Since it is a policy matter and discretion for the State Government, the Tribunal does not find it proper to pass any direction upon the State authorities.

This application is disposed of without passing any order.

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

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