

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble SAYEED AHMED BABA, Member (A)

Case No. – OA-746 of 2021

Pijush Kanti Hazra VERSUS – The State of West Bengal & Ors.

Serial No. and Date of order	For the Applicant	:	Mr. D. Karan, Learned Advocate.
<u>04</u> 08.07.2022	For the State Respondent	:	Mr. A. De, Mr. S. Deb Roy, Departmental Representatives.

In this application, the applicant Pijush Kumar Hazra prays for certain reliefs. The relevant portion is as under :-

a)"An order be passed directing the respondent authorities to condone the shortfall of 4 months 10 days service to complete 10 years qualifying substantive service so that the petitioner become4s eligible for receiving pension and to further direct the respondent Nos. 1 and 2 to grant and disburse monthly pension to the applicant."

It appears from the record that the applicant had approached before this Tribunal through OA-5955 OF 1998 and the Tribunal was pleased to direct the respondents to consider the case of the applicant and such decision should be communicated to the applicant. Pursuant to the order of the Tribunal, the respondents on 20.04.2001 considered and ordered. Relevant portion is as follows :-

"I have found that Shri Piyush Kanti Hazra son of Amulya Ranjan Hazra being contempt petitioner No. 5 in CCP-160 of 1999 is prima facie eligible for

absorption against Group-D post under this Department. Formal appointment would be made on verification of other requisite papers/documents.”

However, actual appointment letter issued to the applicant in compliance with the order of the Principal Secretary of L & L R Deptt. which is on 28.02.2005, after delay of about 4 (four) years 1 month and 8 days.

Learned counsel for the state respondents submits that delay caused by the respondents did not qualify his service for pension and other pensionary benefits. The counsel for the applicant submits that the applicant had submitted an application to the Respondent No. 1 on 13.12.2017 in which he requested for condonation of the shortfall of 4 (four) months and 10 (ten) days. The respondents after considering the application issued the impugned order dated 03.12.2021 in which the request was rejected citing Rule 36 of the D.C.R.B. Rules, 1971 is not applicable in this case to condone the shortfall of qualifying service for sanction of pension.

In this application the applicant prays for setting aside the impugned order dated 03.12.2021 and also seeking a direction to the respondents to condone such shortfall so as to make him eligible for pension.

Mr. De, departmental representative submits that the delay was caused for issuing actual appointment letter due to embargo imposed by the State Govt. at that point of time. Mr. De wants to

file reply. Reply be filed by 28th July, 2022. Rejoinder, if any, may be filed by 16.08.2022. Let the matter be listed for Hearing on **31.08.2022.**

SAYEED AHMED BABA
MEMBER (A)

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