

ORDER SHEET

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Mrs. Urmita Datta(Sen), Member(J).

Case No. – OA 855 of 2019

**MD SOLAIMAN - VERSUS - THE STATE OF WEST BENGAL & ORS.**

Serial No. and Date of order	For the Applicant	: Ms. S. Mitra Advocate
<u>08</u> 05.03.2021	For the State respondents	: Mr. A.K. Das Sinha Advocate
	Departmental Representative	: Mr. B. Mitra Pr. AG(A&E), WB

The matter is taken up by the single Bench pursuant to the Notification No.949-WBAT/2J-15/2016 dated 24<sup>th</sup> December, 2020 issued in exercise of the powers conferred under sub-Section (6) of Section 5 of the Administrative Tribunals Act, 1985.

The instant application has been filed while praying for a direction to consider the period of work as NVF to overcome the shortfall period to calculate the minimum pensionary benefit. As per the Applicant, he worked for 9(nine) years 2(two) months and 13(thirteen) days as Constable and prior to that, he worked as NVF on contractual basis. The Counsel for the Respondent has raised a preliminary objection by referring the order dated 11.09.2018 passed in OA NO. 2127 of 2015, wherein this Tribunal had rejected the claim of the petitioner to count the past services work as NVF under Rule 36 of the DCRB Rules, 1979.

During the course of the hearing, the Counsel for the Applicant has submitted that he wants to withdraw the application with a liberty to file an application under Rule 3a of WBSR Part-1, wherein the Governor has the special power to consider the relaxation of any Rule. In view of the above, the

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OA is dismissed as withdrawn. However, the Applicant would be at liberty to apply before the appropriate authority, if so advised.

PKD

Urmita Datta(Sen)  
Member(J)

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