

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Mr. Sayeed Ahmed Baba, Member(A)

Case No. – OA 936 of 2021

Uday Kumar Pore - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	: Mr. P.K. Mondal, Learned Advocate.
<u>05</u> 22.09.2022	For the State Respondent	: Mr. S. Ghosh, Learned Advocate.
	For the Pr. A.G(A&E), W.B.	: Mr. B. Mitra, Departmental Representative.

In this application, the applicant had earlier prayed for condonation of two months and eighteen days to qualify him for pension. The Tribunal in its earlier order directed the respondents to consider and pass an order. The respondents after considering the representation have passed a reasoned order and rejected the application on the following grounds :

“ The said Rule 36 read with the Note below clearly shows that the power of Government to condone deficiency in qualifying service is restricted to certain cases only such as invalid or compensation pension, and it does not appear to be applicable to the cases of superannuation pension. So, the Irrigation & Waterways Department is not in a position to consider his prayer for condonation of his deficiency in qualifying service for availing of pensionary benefits.”

Being aggrieved with the order of the respondents, the applicant has prayed for setting aside the impugned order.

After hearing both the learned advocates, the court does not find any merit or substance in the prayer of the applicant praying for setting aside the impugned order. It is a fact that the applicant had approached the Tribunal earlier and the matter was disposed of by directing the respondent to consider, give opportunity of hearing to the applicant and disposed of the representation by passing a reasoned order.

ORDER SHEET

Form No.

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THE STATE OF WEST BENGAL & ORS.

Accordingly, the respondent in compliance to the Tribunal's order considered the matter after giving an opportunity of hearing to the applicant and citing reasons declined the prayer for condonation of deficiency in qualifying service. I do not find any non-compliance of Tribunal's order by the respondent

Therefore, the case is dismissed.

Accordingly, the matter is disposed of.

SAYEED AHMED BABA
MEMBER (A)

H.S