WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble 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,
04 27.06.2022	For the State Respondent	:	Mr. S. Ghosh, Mrs. S. Das, Learned Advocates.
	For the Pr. A.G.W.B.	:	Mr. B. Mitra.

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 respondent, the applicant has prayed for setting aside the impugned order.

Mrs. S. Das, appearing on behalf of S. Ghosh, learned advocate for the respondents submits that one accommodation may be given to her to file a judgement of the Hon'ble High Court.

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Mr. B. Mitra, the departmental representative submits that under Rule 36 of D.C.R.B. Rules, it is the sole discretion of the Govt. to condone the shortfall of qualifying service by six months.

In this case, it appears that the respondent has already exercised its discretion under Rule 36.

Let the matter appear under the heading "Hearing" on **22.09.2022.**

SAYEED AHMED BABA
MEMBER (A)

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