

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

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

Case No. – OA-989 of 2017

Sushil Kumar Roy VERSUS – The State of West Bengal & Ors..

Serial No. and Date of order For the Applicant : Mr. M. Karim,
Mrs. P. Chakraborty,
Learned Advocates.

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16.12.2022 For the State Respondents : Mr. G.P. Banerjee,
Learned Advocate.

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 for the contesting parties the case is taken up for consideration sitting singly.

The prayer in this application is for setting aside the impugned order of the Respondent appearing at page 25 rejecting the request for counting of his past services to qualify him for pension. In the impugned order, the respondent has quoted the remarks of the Finance Department (Pension Cell) which are as under :-

“The Administrative Department may be informed that there is no provision in the WBS(DCRB) Rules,1971 to count the past service of Sri Sushil Kumar Roy under Co-operative Society where there was no contribution as the share of employer's share in the CPF Scheme. Therefore the past service of Sri Roy as Accountant of

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Purshura Thana Samabay Krishi Bilpanan Samity Ltd. may not be counted with his present Govt. Service towards calculation pensionary benefits. “

Mr. Karim submits that the respondent was wrong in rejecting the prayer on the above ground. Mr. Karim refers to a circular appearing at page 14, 15 & 16 with a prayer that the Secretary may be directed to reconsider the matter in the light of the relevant documents.

Mr. Banerjee appearing on behalf of the state agrees that if such direction is given to the Secretary of the Department, the same will be disposed of after considering the relevant rules and documents. Accordingly, the Respondent No. 1, Secretary, Cooperation Department is directed to reconsider the impugned order issued by the Joint Secretary rejecting the prayer of the applicant in the light of the above submissions within a period of sixteen weeks from the date of communication of this order and communicate the same to the applicant within a period of two weeks thereafter.

Accordingly, the matter is disposed of.

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SAYEED AHMED BABA
OFFICIATING CHAIRPERSON & MEMBER(A)