

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Justice Soumitra Pal, Chairman.

**Case No. – OA 1025 of 2019**

**Smt. Malati Roy - VERSUS - THE STATE OF WEST BENGAL & ORS.**

Serial No. and Date of order	For the Applicant	: Mr. M.K. Sanyal, Advocate.
<u>05</u> 03.03.2021	For the State Respondent	: Mr. G.P. Banerjee, Advocate

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.

In this application, Smt. Malati Roy, the applicant, Livestock Development Assistant, Animal Development Aid Centre, Bhotaguri-I.G.P, under Dinahata – I Dvelopment Block, Cooch Behar, has challenged the order contained in the Memo dated 18<sup>th</sup> June, 2013, issued by the Director of Animal Husbandry and Veterinary Services, West Bengal, the respondent no. 2 on various grounds. Prayer has also been made to treat the pre-service training period as service period and to grant pension.

It appears that the applicant earlier had moved an application being OA 466 of 2012 which was disposed of on 14<sup>th</sup> January, 2013 by directing the said respondent no. 2 to give opportunity of personal hearing and to communicate the decision to the petitioner. The relevant portion of the impugned order is as under :

“ .....Whereas, as per submission so made by Smt. Roy it appears that she joined Government service on first appointment on 2.11.1998 vide joining report and appointment order No. 526 dt 28.02.1998 issued by the Deputy Director, ARD and Parishad Officer, Cooch Behar and her date of retirement was 01.04.2008. That is, the tenure of service

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*rendered by Smt. Roy is 9 years 2 months, 29 days. It is also fact that Smt. Roy Roy was allowed to enter into the Government Service after maximum age limit for entering into the Government Service. Moreover, she did not raise her voice for sanctioning pension*

*and*

*Whereas, in true compliance with the order of the Hon'ble West Bengal Tribunal relevant orders and guidelines of the Finance Department has been consulted with. However, after consulting with the existing rules and orders of the Government and after application of mind the undersigned finds no provision for preparation of pension papers in favour of Smt. Roy as her service tenure is below 10 years. So, her prayer is hereby turned down and the matter is thus disposed of."*

Mr. M.K. Sanyal, learned advocate submits that since the applicant had undergone training, it may be directed to be included in the service period and as in that event she would complete 10 years of service and would be entitled to pension, accordingly appropriate order may be passed.

Mr. G.P. Banerjee, learned advocate for the State respondents submits that the applicant was well aware of the fact that the training period prior to service cannot be included in the service period. Moreover, the applicant during his service tenure did not raise the issue for grant of pension and, therefore, the impugned order dated 18<sup>th</sup> June, 2013 is just and proper.

Heard the learned advocates for the parties. It is evident from the Memo dated 24<sup>th</sup> February, 1997, appearing at page 15 of the application,

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that the applicant was made aware that her training period would not be taken as service period which the departmental candidate had enjoyed at the relevant point of time. Therefore, it is a fact that the petitioner had rendered service for a period of 9 years 2 months and 29 days which is short of the service tenure of 10 years for being entitled to grant of pension. Even the intimation dated 25<sup>th</sup> August, 2015 relied on by the applicant does not come to the aid of the applicant as the total service period is of 9 years 5 months as indicated therein, is still short of the minimum 10 years of qualifying service for being entitled to pension and the grace of 6 months under the rules cannot be applied. Therefore, no order is passed. The application is disposed of.

Since for circumstances beyond control the Registry is unable to furnish plain copies of this order to the learned advocates for the parties, the Registry is directed to upload this order on the website of the Tribunal forthwith and parties are directed to act on the copies of the order downloaded from the website.

(SOUMITRA PAL)  
CHAIRMAN

Rajib