

**ORDER SHEET**

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Present-**

The Hon'ble Mrs. Urmita Datta (Sen), Member (J) &  
The Hon'ble Mr. P. Ramesh Kumar, Member (A).

OA- 28 of 2020

Md. Mohabat Hossain Vs The State of West Bengal & Ors.

Serial No. and Date of order. 1	Order of the Tribunal with signature 2	Office action with date and dated signature of parties when necessary 3
03 <u>02.03.2020</u>	<p>For the petitioner : Mr. J. Dey, Learned Advocate.</p> <p>For the respondent : Mrs. S. Agarwal, Learned Advocate.</p> <p>For the A.G.W.B. : Mr. B. Mitra.</p> <p style="text-align: center;">Affidavit of service has been filed. Let it be kept with the record. The application is admitted.</p> <p style="text-align: center;">As per the counsel for the applicant, the applicant has joined service on 25.01.2007 and retired on 31.08.2016.</p> <p style="text-align: center;">The instant application has been filed praying for following relief :-</p> <p style="text-align: center;">1. An order do issue commending the respondents and their agents and subordinates to grant the pensionary benefit to the applicants by making positive corrections in his Service Book, in terms of Rule 36 of the D.C.R.B. Rule, 1971 and extend</p>	

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<p style="text-align: center;">03</p> <hr/> <p style="text-align: center;">02.03.2020</p> <p style="text-align: left; margin-top: 20px;">Page /2</p>	<p style="text-align: center;">the financial benefit of minimum pension to the applicant forthwith.</p> <p style="text-align: center;">2. To direct the Superintendent of Police, Hooghly to consider and dispose of the representation of the applicant annexed to this application and dispose of the same, considering Rule 36 of the Death cum Retirement Benefit Rule 1971 by condoning the deficiency of six months in qualifying service and adjust the services of the applicant accordingly so that the applicant may get the pension from the office of the respondents on the strength of such order passed by the Superintendent of Police, Hooghly.</p> <p style="text-align: center;">3. And to pass such order or orders or other further orders as deem fit and proper.</p>	

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<p style="text-align: center;">03</p> <hr/> <p>02.03.2020</p> <p style="text-align: right;">Page /3</p>	<p>As per the applicant, applicant had joined in service on 25.01.2007 and retired on 31.08.2016, therefore, he has not completed ten years of service and for that he has not been granted pension. However, according to the applicant, as per Rule 36 of D.C.R.B. Rules, 1971, there is a provision, if there is shortfall of within six months, it can be considered and in the instant case, there is shortfall of only five months time. Therefore, his case may be considered. He has also filed representation dated 02.08.2017 (Annexure-E-) page 28 which is still pending before the authority.</p> <p>The counsel for the applicant has placed one order passed by this Tribunal in OA -590of 2019 in this regard.</p> <p>During the course of hearing, the counsel for the applicant has submitted that it would suffice his purpose, if the Addl. Chief Secretary, Home &amp; Hill Affairs Deptt. would be directed to consider the case of the applicant</p>	

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<p style="text-align: center;">03</p> <hr/> <p>02.03.2020</p> <p style="text-align: center;">sc</p>	<p>within a stipulated period of time.</p> <p>The counsel for the respondent has no objection to such proposition.</p> <p>Heard both sides and perused the records. Accordingly, Respondent No. 1 &amp; 2 are directed to consider the case of the applicant as per the rule, after taking into account the order passed by Tribunal dated 19.11.2019 in OA-590 of 2019 and to treat the application as representation and to pass a speaking and reasoned order after giving an opportunity to the applicant of personal hearing. Accordingly, the application is disposed of with the above observation with no order as to costs.</p> <p style="text-align: center;"><b>MR.P. RAMESH KUMAR</b> MEMBER (A)</p> <p style="text-align: center;"><b>URMITA DATTA (SEN)</b> MEMBER (J)</p>	





