

ORDER SHEET**WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-**

The Hon'ble Justice Soumitra Pal, Chairman
& The Hon'ble Mr. P. Ramesh Kumar, Member(A)

Case No – OA- 994 OF 2018.

Kartik Chandra Banerjee. Vs The State of West Bengal & Others.

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
<p>01</p> <hr/> <p>21/02/2019</p>	<p>For the Applicant : Mr. Sujit Kumar Mitra, Advocate.</p> <p>For the State Respondents: N o n e</p> <p>For A.G. West Bengal: Mr. Biswanath Mitra, Departmental Representative.</p> <p>Affidavit of service filed today be kept on record. Despite service of notice none appears on behalf of the State respondents.</p> <p>In this application the applicant has challenged the intimation dated 20th September 2018 issued by the Senior Accounts Officer in the office of the Principal Accountant General (A&E), West Bengal whereby his prayer for condoning the deficiency of service to qualify for pension has been turned down.</p> <p>Mr. S. Mitra, learned advocate appearing on behalf of the applicant submits that as Rule 36 of the West Bengal Services (Death cum Retirement Benefit) Rules 1971 stipulates that deficiency of six months in the qualifying service of a government servant can be condoned by the authorities and the shortfall of the applicant to qualify for pension is two months four days, appropriate order may be passed.</p> <p>Heard Mr. Mitra. In order to appreciate the issue it is appropriate to set out the relevant portion</p>	

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GM	<p>of Rule 36 of the Rules which is as under;</p> <p>“Power of Government to condone deficiency in service, -Upon any condition which it may think fit to impose, Government may condone a deficiency of six months in the qualifying service of a Government servant.”</p> <p>Heard Mr. Mitra. Evidently, the applicant had served for nine years nine months twenty six days during his service period and there is a deficiency of two months four days to qualifying for pension. Since Rule 36 empowers the authority to condone deficiency upto six months and as the deficiency is two months four days, considering the such fact the original application is disposed of by directing the Additional Chief Secretary, Department of Health & Family Welfare and Additional Chief Secretary, Finance Department, Respondent Nos.1 and 2 to pass necessary orders to be communicated to the parties condoning the deficiency of the applicant to qualify for pension within a period of ten weeks from the date of presentation of a copy of this order and if necessary the said respondents shall pass necessary follow up order.</p> <p style="text-align: center;">P. RAMESH KUMAR MEMBER(A)</p> <p style="text-align: center;">SOUMITRA PAL CHAIRMAN</p>	

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