

**ORDER SHEET**

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Present-**

**The Hon'ble Justice Ranjit Kumar Bag  
& The Hon'ble Dr. Subesh Kumar Das**

**Case No – OA 929 of 2019**

Sk. Rowsen Ali 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
3 05.03.2020	<p>For the Applicant : Mr. J. Dey Learned Advocate.</p> <p>For the State Respondent : Mr. G.P. Banerjee, Learned Advocate.</p> <p>For A.G. (A &amp; E), West Bengal : Mr. B. Mitra, Departmental Representative.</p> <p style="text-align: center;">Affidavit of service filed on behalf of the applicant is kept on record.</p> <p>The applicant joined as Constable of Police on January 25, 2007 and retired on July 31, 2016. He rendered service as Constable of Police for 9 years 6 months and 7 days, but he did not qualify for pension due to short fall of 5 months and 24 days in terms of the provisions of Rule 67 of the West Bengal Services (Death-cum-Retirement Benefit) Rules, 1971 (in short, the DCRB Rules, 1971). The applicant submitted one representation before the Superintendent of Police, Hooghly praying for release of pension of the applicant by condonation of short fall of less than six months in qualifying service for grant of pension, but the said representation is still pending for consideration before the authority concerned.</p> <p style="text-align: center;">Having heard Learned Counsel representing the applicant, the State respondents and the Departmental Representative of the respondent A.G., West Bengal and on</p>	

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consideration of the provisions of Rule 36 of the DCRB Rules, 1971, we find that that the State respondents may condone the deficiency upto six months in qualifying service for grant of pension. Since the applicant is deprived of pension due to short fall of 5 months and 24 days in qualifying service for grant of pension, we direct the respondent No. 1, Additional Chief Secretary to the Government of West Bengal, Department of Home (Police) to consider the case of the applicant for grant of pension by condonation of short fall of 5 months and 24 days in qualifying service for grant of pension by invoking the provisions of Rule 36 of the DCRB Rules, 1971, within a period of twelve weeks from the date of communication of the order and take necessary follow-up action within a period of eight weeks thereafter.

With the above direction, the original application is disposed of.

Let a plain copy of the order be supplied to the applicant.

**S. K. DAS**  
**MEMBER(A)**

**R. K. BAG**  
**MEMBER(J)**

Rajib