

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

Hon'ble Justice Soumitra Pal, Hon'ble Chairman.
& Hon'ble Dr. Subesh Kumar Das, Administrative Member.

Case No. OA 106 of 2018.

ANANDA MAHATO – VS- STATE OF W.B. & 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
<p>6</p> <hr/> <p>14.12.2018.</p>	<p>For the Applicant : Mrs. S. Mitra Advocate</p> <p>For the State Respondent: Mr. S.N. Ray, Advocate</p> <p>For the Principal Accountant : Mr. B. Mitra General, (A&E), Departmental Representative. West Bengal</p> <p>In this application the applicant, Ananda Mahato, a seasonal employee under the Executive Engineer, Kangsabati Canals Division No.1, Amlagora, Paschim Medinipur, has prayed for a direction upon the respondents to release arrear pension. It appears from the application that the applicant, who had joined as seasonal worker on 4th July, 1968, was confirmed and regularised in the post on 19th April, 1996. The claim of the applicant is since he worked uninterruptedly during the period when he was a casual employee, the shortfall in the number of years for being entitled to pension may be condoned taking into account the period of uninterrupted service in the post of casual employee.</p> <p>It is submitted by Mrs. S. Mitra, learned advocate for the applicant that as since July, 1968 the applicant had uninterruptedly carried out the work of casual employee and was made permanent in the post on</p>	

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	<p>16th April, 1996 and had superannuated on 31st July, 2003, the period of uninterrupted service from July, 1968, till 15th April, 1996 may be taken into consideration for payment of pension. In this regard our attention has been drawn to the judgement of the Calcutta High Court passed on 11th November, 2010 in W.P.S.T. No. 184 of 2010 and on 30th April, 2014 in W.P.S.T. No. 31 of 2014.</p> <p>Mr. S.N. Ray, learned advocate for the respondents submits that the facts in W.P.S.T. No. 184 of 2010 and W.P.S.T. No. 31 of 2014 are not similar to the facts in the application.</p> <p>Mr. B. Mitra, the Departmental Representative of the Principal Accountant General, ((A&E), West Bengal supports the stand taken by Mr. S.N. Ray.</p> <p>Heard learned advocates for the parties. It is not clear from the copies of documents annexed to this application that the applicant had worked uninterruptedly from July, 1968 till April, 1996. Since this, in our view, is a question of fact, considering the facts and circumstances of the case, we dispose of this application by granting liberty to the applicant to file necessary documents in support of his contention before the Director of Personnel and Ex-Officio Chief Engineer, Government of West</p>	

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Skg.	<p>Bengal, I&W Directorate, West Bengal, Kolkata - the respondent No.2 within four weeks from the date of obtaining copy of this order along with a copy of this original application and if such application is filed, the same shall be disposed of by the Director of Personnel and Ex-Officio Chief Engineer, Government of West Bengal, I&W Directorate, West Bengal, Kolkata, respondent No.2 by passing a reasoned order to be communicated to the parties within 12 weeks after giving an opportunity of hearing to the applicant and after verifying the records from July, 1968 till April, 1996 and if he is satisfied with the claim of the applicant, same will be considered in the light of the judgements passed on 11th November, 2010 in W.P.S.T. No. 184 of 2010 as well as on 30th April, 2014 in W.P.S.T. No. 31 of 2014. It is made clear that the said respondent no. 2 shall consider whether the applicant had worked continuously and uninterruptedly for a period of two years nine months prior to joining of service on 19th April, 1996.</p> <p>(Subesh Kumar Das) Member(A).</p> <p>(Soumitra Pal) Chairman.</p>	

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