

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

**The Hon'ble JUSTICE RANJIT KUMAR BAG
& The Hon'ble DR. SUBESH KUMAR DAS**

Case No – OA 113 OF 2018

Apurba Kumar Mukherjee 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
<p style="text-align: center;">09</p> <hr/> <p>07.01.2020</p>	<p><i>For the Applicant : Mrs. S. Mitra, Learned Advocate.</i></p> <p><i>For the Respondents : Mrs. R. Sarkar, Mr. A. Dutta, Departmental Representatives.</i></p> <p><i>For A.G. (A&E), W.B. : Mr. B. Mitra, Departmental Representative.</i></p> <p style="text-align: center;"><i>The applicant has prayed for direction upon the respondents to grant him pension for the service rendered by him as Government employee.</i></p> <p style="text-align: center;"><i>The applicant was engaged as Tahsil Mohurrir in the office of Sub-divisional Land & Land Reforms Officer, Nalhati-II, in the District of Birbhum and rendered service in that capacity for 4 months in a calendar year during the period from 1974 to 1984. Long after discontinuation of the said service of the applicant, he was appointed in Group D post on June 20, 2007 in the Office of Block Land & Land Reforms Office, Nalhati II and retired from the said post on February 28, 2017. The applicant rendered service as Group D employee for the total period of 9 years 8 months and 8 days, but he is not entitled to get pension for not rendering qualifying service</i></p>	

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of 10 years in Government employment in terms of Rule 67 of West Bengal Services (Death-cum Retirement Benefits) Rules, 1971 (In short, D.C.R.B. Rules, 1971).

Having heard Learned Counsel for the applicant, the departmental representative of the state respondents and the departmental representative of the respondents A.G. W.B, we find that the service rendered by the applicant during the period from 1974 to 1984 was service of a seasonal worker and the said employment came to an end long before appointment of the applicant in Group D post in the year 2017. Naturally, the applicant is not entitled to get any benefit of past service rendered by him as a seasonal worker during the period from 1974 to 1984. However, the service rendered by the applicant in the Group D post for total period of 9 years 8 months and 8 days. The State Government can condone the short fall of less than 6 months in qualifying service for grant of pension by invoking of provisions of Rule 36 read with Rule 4 of West Bengal Services (Death-cum Retirement Benefits) Rules, 1971. In our view, this is a fit case whether deficiency in qualifying service for grant of pension should be condoned by relaxation of provisions of DCRB Rules and by invoking for provisions of Rules 36 of the DCRB Rules, 1971.

Under the above circumstances, we direct the respondent no. 1, Principal Secretary to the Government

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of West Bengal, Department of Land and Land Reforms and Refugee, Relief and Rehabilitation to consider the case of the applicant for grant of pension by condoning short fall of less than six months in qualifying service for grant of pension by relaxation of the provisions of DCRB Rules, 1971 and by invoking the provisions of Rule 36 of the DCRB Rules, 1971 within a period of 12 weeks from the date of communication of the order and to take necessary follow up action within a period of 8 weeks thereafter.

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

Let a plain copy of the order be supplied to all the parties.

(S.K.DAS)
Member (A)

(R.K.BAG)
Member (J)

H.S