

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

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

Case No – OA 128 of 2018.

Karunamoy Hazra – 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>01 06.04.2018.</p>	<p>For the Applicant : Mr. S. C. Hazra, Ld. Adv.</p> <p>For the State Respondents : Mrs. R. Sarkar, Departmental Representative, L & LR Department.</p> <p>The applicant has prayed for direction upon the respondents to grant him pension and retirement benefits by counting his past service.</p> <p>It appears from the materials on record that the applicant was appointed as Night Guard at Nabagram RI under block Land & Land Reforms Officer, Pandabeswar in the district of Burdwan on March 12, 2008 on the basis of the order issued by the Additional District Magistrate & District Land & Land Reforms Officer, Burdwan. The applicant retired from service on January 31, 2017 after rendering regular service in a permanent post for eight years and ten months. Ld. Counsel for the applicant submits that the applicant served for about nine years in the post of Tahasil Moharar and the said service needs to be counted for the retirement benefits of the applicant. No document is forthcoming before the Tribunal to indicate that the</p>	

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	<p>applicant rendered past service as a regular employee in a permanent post so that the said service may be counted for the purpose of retirement benefits of the applicant. The copy of the certificate issued in favour of the applicant by Junior Land Reforms Officer does not indicate that the applicant served in a permanent post on regular basis before his appointment as Night Guard by virtue of order dated March 12, 2008 issued by the Additional District Magistrate & District Land & Land Reforms Officer, Burdwan.</p> <p>Mrs. Sarkar, authorised representative of the State Respondents categorically submits that the applicant worked as Tahasil Moharar under Tahasildar as seasonal worker before his appointment as Night Guard in the regular post and as such, the period of service rendered by the applicant as seasonal worker can never be considered for counting of past service in order to give retirement benefits to the applicant. We fully agree with the submission made on behalf of the State Respondents.</p> <p>In view of our above findings, we cannot persuade ourselves to give any direction to the State Respondents to consider the prayer of the applicant for granting pension as per provision of Rule 67 of West</p>	

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Skg.	<p>Bengal Services Death-cum-retirement benefits Rules, 1971. As a result, the Original Application is dismissed.</p> <p>Let a plain copy of the order be supplied to both parties.</p> <p>(S.K.Das) Member (A)</p> <p>(R.K.Bag) Member (J).</p>	

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