

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

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

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>15</p> <hr/> <p>18.1.2019.</p>	<p style="text-align: center;"><u>OA 1430 of 2014.</u></p> <p>BIJOY BALLAV SINGHA –VS- THE STATE OF W.B. & ORS.</p> <p>For the Applicant : Mrs. S. Mitra, Advocate.</p> <p>For the Respondent Nos. 2,3 and 4 : Mr. A. De, Departmental representative.</p> <p style="text-align: center;"><u>OA 1432 of 2014.</u></p> <p>MURALIDHAR PANDIT –VS- THE STATE OF W.B. & ORS.</p> <p>For the Applicant : Mrs. S. Mitra, Advocate.</p> <p>For the Respondent Nos. 2,3 and 4 : Mr. A. De, Departmental representative.</p> <p>Since issues involved in OA 1430 of 2014 and OA 1432 of 2014 are identical, the matters are taken up for hearing analogously. However for the sake of clarity and brevity, the facts stated in OA 1430 of 2014 are referred to in this order.</p> <p>In this application, the applicant, who was initially appointed as Tahasildar on 10th February, 1977 and absorbed in the post of Bhumi Sahayak and posted in</p>	

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	<p>the office of the Sub-Divisional Land and Land Reforms Officer, Jhargram with effect from 1st July, 1984 and had superannuated on 31st October, 2008, has prayed for a direction upon the respondents to provide pensionary benefits with effect from the date of initial appointment as Tahasildar, that is from 10th February, 1977 by counting past service relating to minimum qualifying service.</p> <p>Mrs. S. Mitra, learned advocate appearing on behalf of the applicant submits that in view of the judgements of the High Court passed in WPST 184 of 2010 Haradhan Mahato –Vs- State of West Bengal and in WPST 31 of 2014 Pastu Deb Singha –Vs- State of West Bengal & Ors , which have been annexed to the application, since past service was directed to be counted, appropriate order may be passed.</p> <p>Mr. A. De, the Departmental Representative on behalf of State respondent Nos. 2, 3 and 4 referring to the written reply submits that the applicant was appointed as Tehshilder in 1977 and thereafter appointed as Bhumi Sahayak from 1st July, 1984 and superannuated on 31st October, 2008, had received all retiral benefits including pension as per rule.</p>	

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Skg.	<p>It is also submitted that the judgements relied on by the applicant are not applicable in the instant case.</p> <p>Having heard Mrs. Mitra , learned advocate for the applicant and Mr. De, the departmental representative and considering the facts and circumstances of the case, since we find that the applicant after having served 24 years 4 months as regular Government employee had retired on 31st October, 2008 and had received all retirement benefits including pension as per rule and is enjoying the retiral benefits accrued as per DCRB Rule and the circulars relevant at the material point of time and as the judgements relied on relates to counting of past service, which in the instant case is not the issue as it relates to fulfilment of minimum qualifying service, hence, no order is passed on the applications. Therefore, both the application are disposed of.</p> <p>(Subesh Kumar Das) Member(A).</p> <p>(Soumitra Pal) Chairman.</p>	