

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 22 of 2019.

PRANAY KUMAR BISWAS -Vs- THE 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>2 21.1.2019.</p>	<p>For the Applicant : Sk. S. Arefin, Mrs. S. Agarwal, Advocates.</p> <p>For the State Respondent : Mr. S. Ghosh, Advocate.</p> <p>For the Principal Accountant General (A & E) W.B. : Mr. B. Mitra, Departmental Representative.</p> <p>Affidavit of service filed today be kept on record. In this application the applicant, who had worked as a seasonal worker since 1976 and who was appointed as DDT Spray worker by order of the Chief Medical Officer of Health, Midnapore pursuant to the order of the Director of Health Services on 14th January, 2009 and who was superannuated on 31st October, 2018, has prayed for a direction upon the respondents to disburse pension after condoning the deficiency of service of less than three months in view of rule 36 of the West Bengal Services (Death cum Retirement Benefits) Rules, 1971 since he has worked for nine years, nine months and sixteen days. It is submitted by Mr. Arefin, learned advocate for the applicant assisted by Mrs. Agarwal, learned advocate that since there is no dispute that the</p>	

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	<p>State has the power to condone such deficiency, appropriate order may be passed.</p> <p>Mr. S. Ghosh, learned advocate for the State respondent submits that an application has to be made before the appropriate authority to be entitled for pension after condoning the deficiency of service.</p> <p>Admittedly the applicant had worked for nine years, nine months and sixteen days permanently in a regular establishment. Hence, there is a short fall of less than three months to be enabled to get pension which in our view the State has the power to condone under rule 36 of the rules.</p> <p>Hence in the facts and circumstances of the case, the Original Application is disposed of by granting liberty to the applicant to file representation along with a copy of this order for condoning the short fall of service for getting pension within a fortnight from the date having a copy of the order before the Principal Secretary, now re-designated as Additional Chief Secretary, Department of Health and Family Welfare, Government of West Bengal, Kolkata – the Respondent no. 1. If such representation is filed, same shall be disposed of by the</p>	

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Skg,	<p>said respondent by passing a reasoned order to be communicated to the parties, in the light of Rule 36 of the West Bengal Services (Death cum Retirement Benefits) Rules, 1971 keeping in mind the fact that the applicant had worked for nine years, nine months and sixteen days in a permanent establishment and has a short fall of less than three months for being eligible for pension, within eight weeks after giving an opportunity of hearing and after verifying the records.</p> <p>(Subesh Kumar Das) Member(A).</p> <p>(Soumitra Pal) Chairman.</p>	

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