

ORDER SHEET**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

Present- The Hon'ble Justice Soumitra Pal (Chairman) &
The Hon'ble Dr.Subesh Kumar Das (Administrative Member)

Case No. OA - 29 OF 2020

SRI ASIT KUMAR MONDAL Vs. THE STATE OF WEST BENGAL & OTHERS.

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;"><u>02</u> 18.02.2020</p>	<p>For the Applicant : Mr.J.Dey Advocate</p> <p>For the Respondent : Mr.G.P.Banerjee Advocate</p> <p>In this application, Mr.A.K.Mondal, who had worked for 9 years 8 months 12 days as Constable and had superannuated on 30th September, 2016, has prayed for certain reliefs, the relevant portion of which is as under:</p> <p style="text-align: center;"><i>“(a) An order to issue commending the respondent particularly the respondent no-1 or 3 to grant the pensinary benefit to the applicant by making positive corrections in his service book, in terms of Rule 36 of the D.C.R.B. Rule 1971 and extend the financial benefit of minimum pension to the applicant.</i></p> <p style="text-align: center;"><i>(b) Passed any effective order regarding pension and correction of service as per Rule 36 of D.C.R.B. Rule 1971 and/or consider the representation (Annexure-“D”) of the applicant where the applicant is the very much</i></p>	

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	<p><i>entitled to others similar circumstances Government employees and/or take necessary steps in this regard within fortnight front the date of communication of the order of the Ld. Tribunal."</i></p> <p>Mr.J.Dey, learned advocate for the applicant submits that as the length of the service of the applicant was 9 years 8 months and 12 days and as he did not complete 10 years of service to be eligible for pension, he has not been granted pension. As under Rule 36 of the D.C.R.B. Rules, 1971, if the shortfall is within six months, it can be considered for grant of pension, and as in the instance case, the shortfall is less than six months, the respondents may be directed to consider the representation dated 2nd August, 2017, being Annexure- 'E' to the application, pending before the authority for pensionary benefit.</p> <p>Mr.G.P.Banerjee, learned advocate for the State respondents submits that though the applicant did not complete the qualifying service to be eligible for pension, however, if directed the respondents will consider the representation in accordance with law.</p>	

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BLR	<p>Having heard the learned advocates for the parties and considering the facts and circumstances of the case, the application is disposed of by directing the Principal Secretary, Department of Home (Police) Howrah, the respondent no. 1 to dispose of the representation dated 2nd August, 2017 by passing a reasoned order to be communicated to the parties within twelve weeks from the date of presentation of a copy of the certified copy of this order after giving an opportunity of hearing and after verifying the records.</p> <p style="text-align: center;"> (S.K.DAS) MEMBER (A) </p> <p style="text-align: center;"> (SOUMITRA PAL) CHAIRMAN </p>	