

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 – 290 OF 2015****THAKURDAS NANDY Vs. THE STATE OF WEST BENGAL**

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>16</u> 15.01.19</p>	<p>For the Applicant : Mrs.S.Mitra Advocate</p> <p>For the Respondents : Mr.A.Datta (Departmental Representative)</p> <p>For the A.G.W.B. : Mr.B.Mitra (Departmental Representative)</p> <p>In this application, the applicant, who worked as Tahasil Mohurrier in the Hooghly District from 7th January, 2008 to 31st March, 2012, when he retired, has prayed for a direction upon the respondents to issue Pension Payment Order after setting aside by impugned memo. dated 30th January, 2013 being Annexure-B to the application by which prayer for pensionary benefit was declined. On a query, it is submitted by Mrs.S.Mitra, learned advocate for the applicant that though the applicant had accepted service gratuity after working for 4 years 2 months and 24 days however, as the applicant had uninterruptedly worked for 5 years 10 months prior to his joining and as the applicant is ready to return the service gratuity, appropriate order may be passed.</p>	

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	<p>Mr.A.Datta, the Departmental Representative referring to the order dated 4th January, 2008 appearing at page 15 of the application submits that as the applicant had accepted the conditions in the order, particularly condition (b) before joining service, he is not entitled to order as prayed for.</p> <p>Heard parties. It appears from the order dated 4th January, 2008 that grant of job to the applicant was conditional. Apart from other conditions, condition (b) which is relevant, is as under:-</p> <p><i>“(b) that the seniority of the incumbent shall be determined in accordance with the provisions of the WBS(Determination of seniority) Rules, 1981 and that the past services rendered by him/her elsewhere in any capacity prior to absorption in the post of Night Guard/Office Peon in the integrated set up shall not be taken into account under any circumstances ”.</i></p> <p>Therefore, as the past service rendered in any capacity prior to absorption in the post of Night Guard was directed not to be taken into account under any circumstances and as the applicant had accepted retiring</p>	

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BLR	<p>gratuity after superannuation on 31st March, 2012, no order can be passed on this application. Hence, the application is dismissed.</p> <p style="text-align: center;"> (S.K.DAS) MEMBER(A) </p> <p style="text-align: center;"> (SOUMITRA PAL) CHAIRMAN </p>	