

**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 334 of 2018.

SHRI AMAL KUMAR SEN -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>5</p> <hr/> <p>5.2.2019.</p>	<p>For the Applicant : Mr. S.N. Ray, Advocate.</p> <p>For the State Respondent : Mr. M.N. Roy, Advocate.</p> <p>In this application, the applicant, who was working as a master roll worker on casual basis in Kangsabati Division-III, has challenged the memo dated 2<sup>nd</sup> June, 2016 issued by the Executive Engineer, Kangsabati Canals Divuision No. III, Bishnupur, Bankura, the respondent no. 4, being annexure A-6 to the application, whereby it was intimated that the applicant was released from government service on retirement on superannuation with retrospective effect from 30<sup>th</sup> November, 2005 on attaining the age of sixty years.</p> <p>The matter was admitted on 4<sup>th</sup> September, 2018 when directions were issued on the respective parties to file reply and rejoinder.</p> <p>Thereafter the matter appeared on 1<sup>st</sup> October, 2018. As reply was not filed, on the prayer of the respondent, as a last chance time, to file reply was extended.</p> <p>The matter again came up for hearing on 7<sup>th</sup> December, 2018 when again time to file reply was</p>	

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	<p>extended and it was specifically recorded therein that if no reply was filed with supporting documents within the time as stipulated the statements in the original application would be deemed to be correct.</p> <p>It is submitted by Mr. M.N. Roy, learned advocate for the State respondent that as inspite of his best efforts and pursuit the respondents have not responded, no reply could be filed.</p> <p>Heard Mr. S.N. Ray and Mr. M.N. Roy, learned advocates for the parties. Since in spite of opportunities no reply to the original application has been filed by the respondents, the statements in the application are deemed to be correct. Therefore, the memo dated 2<sup>nd</sup> June, 2016 issued by the Executive Engineer, Kangsabati Canals Division No. III, Bishnupur, Bankura the respondent no. 4, being annexure A-6 to the application stands set aside and quashed. The application is allowed. Accordingly, the respondent no. 4 is directed to take necessary action and pass orders in respect of release of pension and superannuation benefits of the applicant within eight weeks from the date of presentation of a copy of the certified copy of this order. Since the memo</p>	

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Skg.	<p>dated 2<sup>nd</sup> June, 2016 stands set aside and quashed, in view of the settled position of law, the date of superannuation be treated as 30<sup>th</sup> September, 2016 and accordingly the pensionary benefits are directed to be calculated by the respondents including the respondent no.4.</p> <p>(Subesh Kumar Das) Member(A).</p> <p>(Soumitra Pal) Chairman.</p>	

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