

ORDER SHEET
West Bengal Administrative Tribunal

Present.-

The Hon'ble Mrs. Urmita Datta (Sen) Member (J)
& The Hon'ble Dr. Subesh Kumar Das Member (A)

Case No. OA 361 of 2020

Dr. Ranjita Chakraborti

Versus

The State of West Bengal & Ors.

Serial No. and
date of order

Order of the Tribunal
with signature

Office action with date
and dated signature of
parties when necessary.

1

2

3

02
21/12/2020

For the Applicant

: Mr. M.N. Roy,
Mr. G. Halder,
Mr. S. Ghosh,
Mr. A. Mitra,
Learned Advocates.

For the State Respondent :

Mr. G.P. Banerjee,
Learned Advocate.

For the A.G., W.B.

: Mr. B. Mitra,
Depttl. Representative.

Affidavit of Service has been filed. Let it be kept on record. The instant application has been filed challenging the impugned order dated 10.01.2020. As per the applicant, he was initially appointed as M.O. Acupuncture on contract basis vide order dated 21.11.2001 (Annexure 'A') and he was subsequently regularized vide order dated 19.09.2008 (Annexure 'D'). She retired on 31.07.2018. However as she did not receive any pension or pensionary benefit she made representation before the authority which was rejected vide order dated 10.01.2020. Being aggrieved she has filed the instant application.

As per the applicant Rule 36 of the D.C.R.B. Rules has its provision for condonation of shortfall of six months for the purpose of qualifying service. Even the Hon'ble High Court, Calcutta in their Judgment dated 30.04.2014 passed in W.P.S.T. No. 532 of 2010 (Annexure 'G') has observed that in such cases Rule 36

ORDER SHEET – (Continuation)

Form No.

Dr. Ranjita Chakraborti
.....

Vs

The State of West Bengal & Others.
.....Case No. **OA 361 of 2020**

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
Csm	<p>of the D.C.R.B. Rules is applicable to condone the deficiency in qualifying service.</p> <p>In view of the above, we have also observed that as per the applicant, she has shortfall of 2 months 20 days to qualify for pension, which is covered by the provision of Rule 36 of the D.C.R.B. Rules. Therefore in our view, the impugned order of the respondent is not sustainable. Accordingly order dated 21.11.2005 is quashed and set aside. The respondent no. 1, Secretary, Department of Health and Family Welfare, Government of West Bengal is directed to revisit the qualifying service of the applicant as per Rule 36 of the D.C.R.B. Rules in the light of the Judgment passed by the Hon'ble High Court in W.P.S.T. No. 532 of 2010 and to pass a reasoned and speaking order within a period of six weeks from the date of receipt of the order after giving an opportunity of hearing to the applicant. If thereafter she would become eligible for qualifying service, she should be granted pension within a period of two months from the date of communication of such reasoned order.</p> <p>Accordingly the application is disposed of.</p> <p>SUBESH KUMAR DAS MEMBER(A)</p> <p>URMITA DATTA (SEN) MEMBER(J)</p>	