

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 502 of 2017.

MANAS NARAYAN PAUL -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>9 1.2.2019.</p>	<p>For the Applicant : Mrs. S. Mitra, Advocate.</p> <p>For the State Respondent : Mr. A.K. Das Sinha, Advocate.</p> <p>For the Pr. Accountant General (A & E) W.B. : Mr. B. Mitra, Departmental representative.</p> <p>In this application the applicant, who was engaged as Home Guard in the year 1976 and thereafter joined as constable on 18th January, 2007 and had superannuated on 31st January, 2016, has prayed for a direction upon the respondents to release pension with effect from 1st February, 2016 by condoning the shortfall of service. It is submitted by Mrs. S. Mitra, learned advocate for the applicant that since the applicant had a shortfall of eleven months and the applicant before his engagement had worked uninterruptedly and continuously, the shortfall may be directed to be condoned.</p> <p>Mr. A.K. Das Sinha, learned advocate for the State respondent submits that the judgements annexed to this application are not applicable as it is evident from</p>	

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Skg.	<p>the circular dated 30th May, 2002 annexed to the reply that the engagement of the applicant as a Home Guard was not more than 120 days at a time.</p> <p>Having heard Mrs. Mitra and Mr. Das Sinha, learned advocates for the parties and considering the facts and circumstances of this case, this original application is disposed of by directing the Principal Secretary, Department of Home, Howrah – the respondent no. 1 to dispose of the matter by passing a reasoned order to be communicated to the parties as to whether the applicant is eligible for pension, if he had uninterruptedly and continuously worked prior to his joining as constable in a regular post in the year 2007.</p> <p>(Subesh Kumar Das) Member(A).</p> <p>(Soumitra Pal) Chairman.</p>	

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