WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

The Hon'ble Mrs. Urmita Datta (Sen), Member (J) & The Hon'ble Mr. P. Ramesh Kumar, Member (A).

OA-590 of 2019

Arun Kr. Hati & Ors.	<u>Vs.</u>	The State of West Bengal & Ors.
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Arun Kr. Hati & Ors. Vs. The State of West Bengal & Ors.			
Serial No.	Order of the Tribunal with signature	Office action with date	
and	2	and dated signature of parties when necessary	
Date of order.		3	
1			
03	For the petitioner : Mr. J. Dey,		
19.11.2019	Learned Advocate.		
	For the respondent : Mr. G.P. Banerjee,		
	Learned Advocate.		
	Ecallica Navocate.		
	The instant application has been		
	filed praying for following relief:-		
	1. An order do issue commending		
	the respondents and their agents		
	and subordinates to grant the		
	pensionary benefit to the		
	applicants by making positive		
	corrections in their Service		
	Books, in terms of Rule 36 of the		
	D.C.R.B. Rule, 1971 and extend		
	the financial benefit of minimum		
	pension to the applicants		
	forthwith.		
	2. To direct the Superintendent of		
	Police, Hooghly to consider and		
	dispose of the representations of		
	the applicants annexed to this		
Page /1	application and dispose of the		

Form No.

Arun Kr. Hati & Ors. Vs.

The State of West Bengal & 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
03	same, considering Rule 36 of the	
19.11.2019	Death cum Retirement Benefit	
	Rule 1971 by condoning the	
	deficiency of six months in	
	qualifying service and adjust the	
	services of the applicants	
	accordingly so that the	
	applicants may get the pension	
	from the office of the	
	respondents on the strength of	
	such order passed by the	
	Superintendent of Police,	
	Hooghly.	
	3. And to pass such order or	
	orders or other further orders as	
	deem fit and proper.	
	The counsel for the applicant has	
	submitted that he wants to press this	
	application for applicant No. 1 and has prayed	
	for leave to withdraw for other four applicants	
	with a liberty to file afresh. Prayer is allowed.	
Page /2	As per the applicant, applicant No. 1	

Form No.

Arun Kr. Hati & Ors. Vs.

The State of West Bengal & 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
03 19.11.2019	had joined in service on 19.01.2007 and retired on 30.09.2016, therefore, he has not completed ten years of service and for that he has not been granted pension. However, according to the applicant, as per Rule 36 of D.C.R.B. Rules, 1971, there is a provision, if there is shortfall of within six months, it can be considered and in the instant case, there is shortfall of only four months time. Therefore, his case may be considered. He has also filed representation dated 02.08.2007 (Annexure-A-4) page 62 which is still pending before the	
Page /3	authority. The counsel for the applicant has placed one order passed by this Tribunal in OA -809 of 2011 in this regard. During the course of hearing, the counsel for the applicant has submitted that it would suffice his purpose, if the Addl. Chief Secretary, Home & Hill Affairs Deptt. would be directed to consider the case of the applicant	

Form No.

Arun Kr. Hati & Ors. Vs.

The State of West Bengal & 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
03 19.11.2019	within a stipulated period of time. The counsel for the respondent has no objection to such proposition.	
	Heard both sides and perused the records. Accordingly, Respondent No. 1 & 2 are directed to consider the case of the applicant as per the rule, after taking into account the order passed by Tribunal dated 10.04.2019 in OA-809 of 2016 and to pass a speaking and reasoned order after giving an opportunity to the applicant of personal hearing. According the application is disposed of with the above observation with no order as to costs.	
SC	P. RAMESH KUMAR URMITA DATTA (SEN) MEMBER (A) MEMBER (J)	

Form No.

Arun Kr. Hati & Ors.

Vs.

The State of West Bengal & 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/4		
02		
15.02.2019		

Form No.

Arun Kr. Hati & Ors.

Vs.

The State of West Bengal & 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		
02 15.02.2019		
P/6		

Form No.

Arun Kr. Hati & Ors.

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