

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 766 of 2017.
 RABI DULE – VS- 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>14.12.2018.</p>	<p>For the Applicant : Mrs. S. Mitra Advocate</p> <p>For the State Respondent: Mr. S.N. Ray, Advocate</p> <p>For the Principal Accountant : Mr. B. Mitra General, (A&E), Departmental Representative. West Bengal</p> <p>In this application the applicant, Rabi Dule, a seasonal employee under the Executive Engineer, Kangsabati Canals Division No.1, Amlagora, Paschim Medinipur has prayed for a direction upon the respondents to release pension and the retirement benefits. It appears from the application that the applicant, who had joined as seasonal worker, was confirmed and regularised in the post on 18th April, 1996. The claim of the applicant is since he worked uninterruptedly during the period when he was a casual employee, the shortfall in the number of years for being entitled to pension may be condoned taking into account the period of uninterrupted service in the post of casual employee.</p> <p>It is submitted by Mrs. S. Mitra, learned advocate for the applicant that as for a long time the applicant had uninterruptedly carried out the work of casual employee and was made permanent in the post on</p>	

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	<p>18th April, 1996 and had superannuated on 31st May, 2004, the period of uninterrupted service from April, 1996 till 31st May, 2004 may be taken into consideration for payment of pension. In this regard our attention has been drawn to the judgement of the Calcutta High Court passed on 11th November, 2010 in W.P.S.T. No. 184 of 2010 and on 30th April, 2014 in W.P.S.T. No. 31 of 2014.</p> <p>Mr. S.N. Ray, learned advocate for the respondents submits that the facts in W.P.S.T. No. 184 of 2010 and W.P.S.T. No. 31 of 2014 are not similar to the facts in the application.</p> <p>Mr. B. Mitra, the Departmental Representative of the Principal Accountant General, ((A&E), West Bengal supports the stand taken by Mr. S.N. Ray.</p> <p>Heard learned advocates for the parties. It is not clear from the copies of documents annexed to this application that the applicant had worked uninterruptedly from April, 1996 till May, 2004. Since this, in our view, is a question of fact, considering the facts and circumstances of the case, we dispose of this application by granting liberty to the applicant to file a representation annexing documents in support of his contention before the Director of Personnel and Ex-Officio Chief Engineer, Government</p>	

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Skg.	<p>of West Bengal, I&W Directorate, West Bengal, Kolkata - the respondent No.2 within four weeks from the date of obtaining copy of this order along with a copy of this original application and if such application is filed, the same shall be disposed of by the Director of Personnel and Ex-Officio Chief Engineer, Government of West Bengal, I&W Directorate, West Bengal, Kolkata, respondent No.2 by passing a reasoned order to be communicated to the parties within 12 weeks after giving an opportunity of hearing to the applicant and after verifying the records and if he is satisfied with the claim of the applicant, same will be considered in the light of the judgement passed on 11th November, 2010 in W.P.S.T. No. 184 of 2010 as well as on 30th April, 2014 in W.P.S.T. No. 31 of 2014. It is made clear that the said respondent no. 2 shall consider whether the applicant had worked continuously and uninterruptedly for a period of about two years prior to joining of service on 18th April, 1996.</p> <p>(Subesh Kumar Das) Member(A).</p>	<p>(Soumitra Pal) Chairman.</p>

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