

ORDER SHEET
West Bengal Administrative Tribunal

Present.-
The Hon'ble Justice Ranjit Kumar Bag
&
The Hon'ble Dr. Subesh Kumar Das

Case No. OA 78 of 2019

Tapas Kumar Chakraborty

Versus

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
07 <hr/> 21/01/2020	<p>For the Applicant : Mr. K.S. Alam, Learned Advocate.</p> <p>For the Respondent No. 2A-2E : Mr. A. Datta, Mrs. R. Sarkar, Depttl. Representatives.</p> <p>For the A.G., W.B. : Mr. B. Mitra, Depttl. Representative.</p> <p>Affidavit of Service filed on behalf of the applicant is kept on record.</p> <p>The applicant has prayed for direction upon the respondents for counting of past service of the applicant for eight (08) years along with the present service rendered by the applicant as Group 'D' employee for grant of pension and other retirement benefits.</p> <p>The contention of the applicant is that he rendered service as Tahashil Mohurrir during the period from 1971 to 1984. Long after cessation of employment of the applicant as Tahashil Mohurrir, he moved an application before this Tribunal by filing OA-210/2003 which was disposed of on February 20, 2006. By order dated February 20, 2006 passed in OA-210/2003, the Tribunal gave direction to the Director of Land Records and Surveys and Joint Land Reforms Commissioner, West Bengal to consider the representation of the</p>	

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	<p>applicant by passing a reasoned order within specific period of time. Accordingly, on August 18, 2006, the Director of Land Records and Surveys and Joint Land Reforms Commissioner, West Bengal passed a reasoned order by recommending the name of the applicant for appointment in regular establishment as Group 'D' employee. Ultimately, on June 22, 2007, the District Land & Land Reforms Officer, Bankura issued the order of appointment in favour of the applicant in a Group 'D' post subject to the condition that the past service rendered by the applicant shall not be taken into consideration under any circumstance. The applicant joined in a Group 'D' post by accepting the condition laid down in the order of appointment and retired from service on March 31, 2016 and thereby he rendered service as a Group 'D' employee for total period of eight (08) years nine (09) months and four (04) days.</p> <p>With the above factual matrix, Learned Counsel for the applicant submits that the past service rendered by the applicant as Tahashil Mohurrir may be taken into consideration for computation of qualifying service for grant of pension and other retirement benefits. On the other hand, the Departmental Representative of the respondents contends that the past service rendered by the applicant cannot be taken into consideration in terms of the condition incorporated in the order of appointment accepted by the applicant for joining in</p>	

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	<p>Group 'D' post.</p> <p>Having heard both parties and on consideration of the materials on record, we find that the applicant annexed one certificate of Junior Land Reforms Officer, Kotulpur, Bankura wherefrom it appears that the applicant was engaged as Tahashil Mohurrir under Kotulpur Land Reforms Circle during the period from 1971 to 1984. Admittedly, any employee engaged as Tahashil Mohurrir renders service for a period of four (04) months in a calendar year and as such the service rendered by the applicant as Tahashil Mohurrir is that a seasonal worker, which cannot be construed as temporary service of a government employee. That apart, the service rendered by the applicant as Tahashil Mohurrir during the period from 1971 to 1984 did not continue till the appointment of the applicant as Group 'D' employee on June 22, 2007. Even assuming for argument's sake that the applicant rendered service as a temporary government employee from 1971 to 1984, the said service was disrupted for a period of almost twenty three (23) years before appointment of the applicant as a Group 'D' employee on June 22, 2007, and as such the applicant is not entitled to get benefit of past service rendered by him as Tahashil Mohurrir.</p> <p>In view of our above findings, we cannot persuade ourselves to give any direction for counting of past</p>	

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Csm	<p>service of the applicant as Tahashil Mohurrir for computation of qualifying service for grant of pension in terms of the provisions of Rule 67 of West Bengal Service (Death-cum-retirement benefits) Rules, 1971. As a result, the original application is dismissed.</p> <p>Let an urgent Xerox Certified Copy of the order, if applied for, be supplied to the applicant on priority basis, subject to fulfillment of all necessary formalities.</p> <p>S. K. DAS MEMBER(A)</p> <p>R. K. BAG MEMBER(J)</p>	