

**ORDER SHEET**

**WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Present-**

**The Hon'ble JUSTICE RANJIT KUMAR BAG  
& The Hon'ble DR. SUBESH KUMAR DAS**

**Case No – OA 79 OF 2018**

**GANESH CHANDRA MAJHI 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 style="text-align: center;"><u>01</u> 19.06.2018</p>	<p><i>For the Applicant : Mr. G. Halder, Learned Advocate.</i></p> <p><i>For the Respondents : Mrs. S. Agarwal, Learned Advocate.</i></p> <p><i>The applicant joined as Constable of Police on February 07, 2006 and he retired from service on November 30, 2015. The applicant completed tenure of service for 9 years 9 months and 23 days, but he did not qualify for pension due to shortfall of 2 months and 7 days in qualifying service for pension. The applicant submitted one representation before respondent no. 1 and others on November 13, 2017 (Annexure E to the original application) whereby the applicant prayed for condonation of shortfall in qualifying service for pension, but the said representation has not been considered by the concerned respondents till date.</i></p> <p><i>Having heard Learned Counsel representing both parties and on consideration of provisions of Rule 36 the West Bengal services (Death-cum-Retirement Benefit) Rules, 1971, we find that the Government may condone deficiency up to 6 months in the qualifying service for pension. Since, there is shortfall of 2 months and 7 days</i></p>	

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Form No. ....

**Vs.**

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*in qualifying service for pension of the applicant, we direct the respondent no. 1, Principal Secretary, Department of Home (Police), Government of West Bengal to consider the representation of the applicant dated November 13 2017 (Annexure E to the original application) in accordance with the provisions of Rule 36 of the West Bengal services (Death-cum-Retirement Benefit) Rules, 1971 within a period of 12 (twelve) weeks from the date of communication of the order and to communicate the same to the applicant and the pension sanctioning authority within a period of 4 (four) weeks thereafter.*

*With the above direction, the original application is disposed of.*

*Let a plain copy of the order be supplied to both parties.*

**( S.K.DAS )**  
**Member ( A )**

**( R.K.BAG )**  
**Member ( J )**

H.S