

ORDER SHEET
West Bengal Administrative Tribunal

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

Case No. **OA - 809 of 2016**

Biren Kumar Mukhopadhyay

Versus

The State of West Bengal & Ors.

Serial No. and
date of order

Order of the Tribunal
with signature

Office action with date
and dated signature of
parties when necessary.

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10/04/2019

For the Applicant : Mr. A.B. Mukherjee,
Ld. Advocate.

For the State Respondent : Mr. S. Ghosh,
Ld. Advocate.

For the A.G., W.B. : Mr. B. Mitra,
Depttl. Representative.

Liberty is given to the applicant for amendment of date of joining of the applicant in service and for amendment of prayer portion of the original application in course of this day.

The applicant has prayed for direction upon the respondents for grant of pensionary benefits after condonation of deficiency in qualifying service for pension.

It appears from the materials on record that the applicant joined in the post of Constable of Police on March 01, 2006 and retired from service on January 31, 2016 and thereby he rendered service for 9 years and 11 months. Mr. Mukherjee, Learned Counsel for the applicant submits that the temporary service rendered by the applicant as member of National Volunteer Force (N.V.F.) before his appointment as

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	<p>Constable of Police should be taken into consideration for computation of qualifying service for pension. On the other hand, Mr. Ghosh, Learned Counsel representing the state respondents submits that the applicant did not serve continuously as N.V.F. before his appointment in the post of Constable of Police.</p> <p>Having heard Learned Counsel representing both parties and on consideration of the materials on record, we find that the applicant has not produced any document to establish that he rendered temporary service as N.V.F. continuously before his appointment in the post of Constable of Police. Accordingly, the past service rendered by the applicant as member of N.V.F. cannot be taken into consideration for computation of qualifying service for pension. Any government employee must render 10 years of qualifying service for grant of pension as laid down in the provisions of Rule 67 of West Bengal Services (death-cum-retirement benefit) Rules, 1971 (in short, the D.C.R.B. Rules, 1971). In the instant case, the applicant rendered service for total period of 9 years and 11 months and thereby there is shortfall of less than six months in qualifying service for grant of pension. On consideration of the background and nature of appointment of the applicant in the post of</p>	

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Csm	<p>Constable of Police, we are of the view that the shortfall of less than six months in qualifying service for grant of pension of the applicant should be condoned by invoking the provisions of Rule 36 of the D.C.R.B. Rules, 1971.</p> <p>In view of our above observation, we direct the respondent no. 3, Principal Secretary to the Government of West Bengal, Department of Home (Police), to consider condonation of deficiency of less than six months for computation of qualifying service for grant of pension to the applicant by invoking the provisions of Rule 36 of the D.C.R.B. Rules, 1971 within a period of 12 (twelve) weeks from the date of communication of the order and take necessary follow up action within a period of 08 (eight) weeks thereafter. With the above direction, the original application stands disposed of.</p> <p style="text-align: center;">S. K. DAS MEMBER(A)</p> <p style="text-align: center;">R. K. BAG MEMBER(J)</p>	