

**ORDER SHEET****WEST BENGAL ADMINISTRATIVE TRIBUNAL**

**Present-** The Hon'ble Justice Soumitra Pal (Chairman) &  
The Hon'ble Dr.Subesh Kumar Das (Administrative Member)

**Case No. OA - 84 OF 2020**

**PRADIP ADHIKARY Vs. THE STATE OF WEST BENGAL & OTHERS.**

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>04</u> <u>14.12.2020</u></p>	<p>For the Applicant : Mrs.S.Mitra Advocate</p> <p>For the State respondent : Mrs.S.Agarwal Advocate</p> <p>For the Accountant General : Mr.B.Mitra (A&amp;E) West Bengal (Departmental Representative)</p> <p>Affidavit of service filed today be kept on record.</p> <p>In this application, Pradip Adhikary, the applicant has prayed for certain reliefs, the relevant portion of which is as under:-</p> <p style="text-align: center;"><i>“..... (a) Pass an order directing the respondents to release the pension with effect from 01.09.2018 by condoning the shortfall of service considering the solemn order passed with honourable High Court as well as honourable Supreme Court of India, within a stipulated period of time.....”</i></p> <p>It appears that the applicant was initially appointed as field worker BHC spraying staff and had rendered service from 1978 to 2009. The applicant by order dated 14<sup>th</sup> January, 2009 was provisionally appointed and had joined the said post on 16<sup>th</sup> January, 2009 and had superannuated on 31<sup>st</sup> August,</p>	

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	<p>2018 when he attained the age of 60 years. It is submitted by Mrs.S.Mitra, learned advocate for the applicant that since the applicant had completed 9 years 7 months 15 days of service and the deficiency for qualifying service for payment of pension is less than 6 months, in view of Rule 36 of DCRB Rules, appropriate order may be passed for grant of pension. Submission is though a representation, being Annexure-5 to the application, was furnished before the authorities, no action has been taken. Prayer is, in view of several judgements passed by the Tribunal and by the High Court in WPST-128 of 2014 (Saktipada Dey Vs. The State of West Bengal &amp; Others) delivered on 18<sup>th</sup> June, 2014, appropriate order may be passed.</p> <p>Mrs.S.Agarwal, learned advocate appearing on behalf of the State respondents submits that though the applicant was appointed on 16<sup>th</sup> January, 2009 however, it is not very clear from the application that when he had superannuated.</p> <p>Having heard the learned advocates for the parties and considering the facts and circumstances of the case, since the applicant has stated that he had</p>	

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BLR	<p>rendered service of 9 years 7 months 15 days and shortfall is less than 6 months, considering the fact, this application is disposed of by directing the Secretary, Department of Health and Family Welfare, Government of West Bengal, the respondent no. 1 to dispose of the representation, being annexure-5 to the application, furnished by the applicant, by passing a reasoned order to be communicated to the parties within 10 weeks from the date of furnishing a copy of this order downloaded from the Internet/ website, after giving an opportunity of hearing, after scrutinising the records and after considering the judgement passed in Saktipada Dey Vs. The State of West Bengal &amp; Others (supra).</p> <p>Since for circumstances beyond control the Registry is unable to furnish plain copies of this order to the learned advocates for the parties, the Registry is directed to upload this order on the website of the Tribunal forthwith and parties are directed to act on the copies of the order downloaded from the website.</p> <p style="text-align: center;">(S.K.DAS) MEMBER (A)</p> <p style="text-align: center;">(SOUMITRA PAL) CHAIRMAN</p>	