

**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 928 of 2019.**

**SRI MALOY CHAND DUTTA - VERSUS- 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;">3</p> <hr/> <p>20.1.2020.</p>	<p>For the Applicant                      : Mr. J. Dey, Advocate.</p> <p>For the State Respondent            : Mr. A.K. Das Sinha, Advocate.</p> <p>For the Principal Accountant General ( A &amp; E ) W.B.                : Mr. B. Mitra, Departmental representative.</p> <p style="text-align: center;">Let reply filed by Mr. A.K. Das Sinha, learned advocate for the State respondents, be kept on record. Mr. J. Dey, learned advocate for the applicant submits that his client does not want to file rejoinder to the reply.</p> <p style="text-align: center;">In this application the applicant has prayed for several reliefs, the relevant portion of which is as under :-</p> <p style="text-align: center;"><i>"....a) An order to issue commending the respondent particularly the respondent no-1 or 3 to grant the pensinary benefit to the applicant by making positive corrections in his service book, in terms of Rule 36 of the D.C.R.B. Rule 1971 and extend the financial benefit of minimum pension to the applicant.</i></p> <p style="text-align: center;"><i>b) Passed any effective order regarding</i></p>	

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	<p><i>pension and correction of service as pert Rule 36 of D.C.R.B. Rule 1971 and/or consider the representation (Annexure-“D”) of the applicant where the applicant is the very much entitled to others similar circumstances Government employees and/or take necessary steps in this regard within fortnight from the date of communication of the order of the Ld. Tribunal...”.</i></p> <p>Mr. Dey submits that the applicant had joined service on 19<sup>th</sup> January, 2007 and had superannuated on 30<sup>th</sup> October, 2016. As the length of service of the applicant was nine years, nine months and twelve days and he did not complete ten years of service to be eligible for pension, he has not been granted pension. As under rule 36 of the D.C.R.B. Rules, 1971, if the short fall is within six months, it can be considered for grant of pension, and as in the instant case, the shortfall is about two months, the respondents may be directed to consider the representation dated 2<sup>nd</sup> August, 2017, being annexure D to the application, pending before the authority for pensionary benefit.</p> <p>Mr. A.K. Das Sinha, learned advocate for the State respondents submits that though the applicant did not complete the qualifying service to be eligible for</p>	

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Skg.	<p>pension, however, if directed, the respondents will consider the representation in accordance with law.</p> <p>Mr. B. Mitra, the departmental representative, adopts the submission of Mr. Das Sinha.</p> <p>Having heard the parties and considering the facts and circumstances of the case, the application is disposed of by directing the Principal Secretary, Department of Home (Police), – the respondent no.1, to dispose of the representation dated 2<sup>nd</sup> August, 2017 by passing a reasoned order to be communicated to the parties within twelve weeks from the date of presentation of a copy of the certified copy of this order after giving an opportunity of hearing and after verifying the records.</p> <p>(Subesh Kumar Das) Member (A).</p> <p>(Soumitra Pal) Chairman.</p>	