

ORDER SHEET**WEST BENGAL ADMINISTRATIVE TRIBUNAL****Present-**

The Hon'ble Justice Soumitra Pal (Chairman)
& The Hon'ble Mr. Subesh Kumar Das (Administrative Member)

Case No – OA 343 OF 2016

RAMANATH MAHATA 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>10</p> <hr/> <p>26.11.2018</p>	<p>For the Applicant : Mr. S. Mitra Advocate</p> <p>For the State Respondent: Mrs. S. Agarwal Advocate</p> <p>For the Principal Accountant : Mr. B. Mitra General, (A&E), West Bengal Departmental Representative</p> <p>In this application the applicant, initially appointed in the year 1983 by the respondents as casual staff and claiming to have discharged duties from the date of appointment with an initial payment of Rs. 135/- per month and regularised in service on 9th April 1996 and joined on 18th April, 1996, has prayed for a direction upon the respondent authorities, particularly on the Director of Personnel and Ex-Officio Deputy Secretary, I&W Directorate, West Bengal, Kolkata, respondent No.2 to grant minimum pension to the applicant by condoning his shortfall of service after considering the judgements and orders of the High Court as well as order of dismissal of the SLP by the State before the Supreme Court.</p> <p>It is submitted by Mrs. S. Mitra, learned advocate for the applicant that since 1983 the applicant had</p>	

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	<p>uninterruptedly been carrying out the work of casual employee and was made permanent in the post on 18th April 1996 and has attained superannuation on 31st May, 1999, the period of uninterrupted service from 1983 till 17th April, 1996 may be taken into consideration for payment of pension. In this regard our attention has been drawn to the judgements of the Calcutta High Court passed on 11th November, 2010 in W.P.S.T. No. 184 of 2010 and on 30th April, 2014 in W.P.S.T. No. 31 of 2014.</p> <p>Mrs. S. Agarwal, learned advocate for the respondents, submits that the facts in W.P.S.T. 184 of 2010 and W.P.S.T. No. 31 of 2014 are not similar to the facts herein as the applicant has not demonstrated that he had worked uninterruptedly from 1983 till 1996.</p> <p>Mr. B. Mitra, Departmental Representative of the Principal Accountant General, ((A&E), West Bengal supports the stand taken by Mrs. S. Agarwal.</p> <p>Heard the parties. We find from the annexures annexed to this application, particularly at pages 15 and 16 of the application, that the applicant had worked from 12th September 1983 till 31st October, 1983 and from 24th July, 1984 till 7th November, 1984. Therefore, we find no documents have been annexed to show that the applicant had worked uninterruptedly from 1983 to 1996. Since this,</p>	

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SCN.	<p>in our view, is a question of fact, considering the facts and circumstances of the case we dispose of this application by granting liberty to the applicant to file a representation, annexing necessary documents, in support of his contention before the Director of Personnel and Ex-Officio Deputy Secretary, I&W Directorate, West Bengal, Kolkata, respondent No.2 within four weeks from the date of obtaining copy of this order along with a copy of the original application. If such application is filed, the same shall be disposed of by the said respondent No.2 by passing a reasoned order to be communicated to the parties within 12 weeks after giving an opportunity of hearing to the applicant and after verifying the records from 1983 till 17th April 1996 and if he is satisfied with the factual aspect of the claim, then the claim will be considered in the light of the judgements passed on 11th November, 2010 in W.P.S.T. No. 184 of 2010 as well as on 30th April, 2014 in W.P.S.T. No. 31 of 2014.</p> <p>(S.K. Das) MEMBER (A)</p> <p>(Soumitra Pal) CHAIRMAN</p>	