

**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 344 OF 2016

**BADAN BALA 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&amp;E), West Bengal Departmental Representative</p> <p>In this application the applicant, Badan Bala Mahata - wife of late Sadhan Chandra Mahata, a seasonal employee under the Executive Engineer, Kangsabati Canals Division No.1, Amlagora, Paschim Medinipur - has prayed for a direction upon the respondents to release arrear family pension since her husband had expired on 16<sup>th</sup> May, 2010 and the retirement benefits of her late husband. It appears from the application that the applicant, who had joined as seasonal worker, was confirmed and regularised in the post on 18<sup>th</sup> April, 1996 and had joined on 19<sup>th</sup> April, 1996. The claim of the applicant is since her husband had worked uninterruptedly during the period when he was casual employee, the shortfall in the number of years for being entitled to pension may be condoned taking into account the period of uninterrupted service in the post of casual employee.</p>	

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	<p>It is submitted by Mr. S. Mitra, learned advocate for the applicant that since July, 1966 the applicant had uninterruptedly carrying out the work of casual employee and was made permanent in the post on 18<sup>th</sup> April, 1996 and had superannuated on 30<sup>th</sup> June, 2001, the period of uninterrupted service from July, 1966 till 18<sup>th</sup> April, 1996 may be taken into consideration for payment of pension. In this regard our attention has been drawn to the judgement of the Calcutta High Court passed on 11<sup>th</sup> November, 2010 in W.P.S.T. No. 184 of 2010 and on 30<sup>th</sup> 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. No. 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 her husband worked uninterruptedly from 1966 till 1996.</p> <p>Mr. B. Mitra, the Departmental Representative of the Principal Accountant General, ((A&amp;E), West Bengal supports the stand taken by Mrs. S. Agarwal.</p> <p>Heard the parties. It is not clear from the copies of documents annexed to this application that the applicant had worked uninterruptedly from July, 1966 till 17<sup>th</sup> April, 1996. Since this, in our view, is a question of fact,</p>	

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