

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

**The Hon'ble Justice Ranjit Kumar Bag
& The Hon'ble Subesh Kumar Das**

Case No – OA - 1113 of 2014

Asit Baran Saha 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>13</p> <hr/> <p>13.09.2018</p>	<p>For the Applicant : Mr. N. Chatterjee, Learned Advocate.</p> <p>For the State Respondents : Mr. S. Bhattacharyya, Departmental Representative.</p> <p>The applicant has prayed for direction upon the respondents to grant him pension in terms of West Bengal Services (Death-cum-Retirement Benefit) Rules, 1971 (in short, "DCRB Rules, 1971").</p> <p>It appears from the materials on record that the applicant joined in the post of Night Guard in the establishment of the Respondent No. 3 on May 6, 2002 on the basis of the order dated May 6, 2002 issued by the District Land and Land Reforms Officer, North 24 Parganas at Barasat. The applicant retired from service on September 30, 2010. The applicant rendered service as Government employee for total period of 8 years 4 months and 25 days. The applicant is entitled to get pension only by completion of ten years of qualifying service as per provisions of Rule 67 of the DCRB Rules, 1971. The short fall in qualifying service for pension in this case is more than one year and the said deficiency in qualifying service for pension cannot be condoned by the Government of West Bengal by invoking the provisions of Rule 36 of the DCRB Rules, 1971.</p> <p>Learned Counsel for the applicant contends that the representation submitted by the applicant must be considered by</p>	

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Rajib	<p>the concerned respondent to whom the representation is addressed. We cannot persuade ourselves to give any direction to the concerned respondent to consider the representation of the applicant, as the applicant is not entitled to get benefit of condonation of deficiency in service for pension even by invoking the provisions of Rule 36 of DCRB Rules, 1971.</p> <p>In view of our above findings, the original application is dismissed.</p> <p>Let a plain copy of the order be supplied to both the parties.</p> <p style="text-align: center;">(Dr. S.K. Das) Member (A)</p> <p style="text-align: center;">(R.K. Bag) Member (J)</p>	

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