

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

**The Hon'ble Justice Soumitra Pal,
& The Hon'ble Dr. Subesh Kumar Das.**

Case No –OA-1431 of 2014.

Smt. Sambari Sardar. –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;">14 18.01.2019.</p>	<p>For the Applicant : Mrs. Sonali Mitra, Advocate.</p> <p>For the Respondents : None.</p> <p>For the Principal Accountant : Mr. Biswanath Mitra, General (A&E), West Bengal. (Departmental Representative).</p> <p>In this application, Sambari Sardar - the applicant, has prayed for a direction upon the respondents to grant pension of the husband of the applicant and family pension. It appears that Santanu Sardar - the husband of the applicant on 18th April, 1996 was appointed as Khalasi in the Irrigation and Waterways Directorate, Government of West Bengal. He had superannuated on 31st December, 2005. It appears that the husband of the applicant had expired on 6th February, 2012.</p> <p>It is submitted by Mrs. Sonali Mitra, learned advocate for the applicant that since the husband of the applicant had worked for more than nine years eight months as Khalasi and, as evident from paragraph 4.6 of the application, during his lifetime had submitted relevant documents before the respondent authorities for grant of pension and as the</p>	

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	<p>authority had forwarded the pension papers of the applicant, appropriate order may be passed.</p> <p>Heard Mrs. Sonali Mitra, learned advocate for the applicant and Mr. Biswanath Mitra, Departmental Representative for the Principal Accountant General (A&E), West Bengal. We find that the applicant on 18th April, 1996 had joined the post and had superannuated on 31st December, 2005. Hence, he had worked for about nine years, eight months and a couple of days. It is an established proposition of law that a government employee is entitled to pension if he has worked for ten years. If the shortfall is less than six months an employee is entitled to get pensionary benefits after relaxation which is permissible under the rules. Since the husband of the applicant had worked for more than nine years eight months, he was entitled to pension.</p> <p>Hence, considering the facts and circumstances of the case, the Original Application is disposed of by directing the Secretary, Department of Irrigation and Waterways, Government of West Bengal - the respondent no. 1 to dispose of the matter regarding grant of arrear pension of Santanu Sardar as well as</p>	

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<i>Sourav</i>	<p>family pension to the Sambari Sardar, the widow of the Santanu Sardar by passing a reasoned order to be communicated to the applicant within twelve weeks from the date of presentation of a copy of this order after verifying the records and after being satisfied with the identity of the applicant and after making necessary enquiry.</p> <p>(DR. SUBESH KUMAR DAS) MEMBER (A)</p> <p>(SOUMITRA PAL) CHAIRMAN</p>	