

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

The Hon'ble Justice Soumitra Pal, Hon'ble Chairman
& The Hon'ble Dr. Subesh Kumar Das, Administrative Member.

Case No –OA-235 of 2019.

Hare Krishna Sam. –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;"><u>7</u> 8.7.2019.</p>	<p>For the Applicant : Md. N. Zaman, Advocate.</p> <p>For the Respondent : Mr. A. Dutta, Nos. 2, 4, 5 and 6. Departmental Representative.</p> <p>For the Principal Accountant : Mr. B. Mitra, General (A&E), West Bengal. Departmental Representative.</p> <p>In this application, the applicant, who had worked as Tahsil Muharrir under the Tahusilder Block No. 19 of Galsi -II, Burdwan from 1975 on temporary basis till his appointment on 8th July, 2002 in the substantive Group -D, Night Guard post under the Land and Land Reforms Department, Salanpur, Burdwan and who had superannuated on 30th December, 2011, has prayed for pension in view of the judgment passed by the Hon'ble High Court in Nemai Ch. Chatterjee-Vs-State of West Bengal : 2014 (3) CHN (CAL) 608, particularly the law laid down in paragraph 18 thereof.</p> <p>Md. N. Zaman, learned advocate appearing on behalf of the applicant submits that since the applicant had worked for nine years five months twenty two days and the deficiency in qualifying service is more than six months, the deficiency be directed to be</p>	

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	<p>condoned in view of the temporary service rendered till 2002 following the judgment in Nemaï Ch. Chatterjee (Supra). In this regard our attention has been drawn to the representation dated 14th September, 2018 addressed to the Director of Land Records and Survey and Joint Reforms Commissioner, Government of West Bengal, Kolkata, being annexure E to the application.</p> <p>Mr. A. Dutta, the Departmental Representative on behalf of the respondent nos. 2, 4, 5 and 6 submits as the deficiency in the service period for being eligible for pension is more than six months, the applicant is not entitled to pension.</p> <p>Mr. B. Mitra, the Departmental Representative for the Principal Accountant General (A&E), West Bengal adopts the submission of Mr. Dutta.</p> <p>Having heard Md. N. Zaman, learned advocate for the applicant and Mr. A. Dutta, and Mr. B. Mitra, and considering the facts and circumstances of the case, the application is disposed of by directing the Principal Secretary, Land and Land Reforms Department, Nabanna, Howrah – the respondent no. 2 to dispose of the representation dated 14th September,</p>	

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Sourav	<p>2018, filed before the Director of Land Records and Survey and Joint Reforms Commissioner, Government of West Bengal, by passing a reasoned order to be communicated to the parties within twelve 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 and after considering the law laid down in the judgment passed in Nema Ch. Chatterjee (Supra), particularly in paragraph 18 thereof.</p> <p>(DR. SUBESH KUMAR DAS) MEMBER (A)</p> <p>(SOUMITRA PAL) CHAIRMAN</p>	