

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

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

Case No – OA - 257 of 2017

Sk. Selim 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 style="text-align: center;">8</p> <hr/> <p>14.09.2018</p>	<p>For the Applicant : Mr. I. Pal, Learned Advocate.</p> <p>For the State Respondents : Mrs. S. Agarwal, Learned Advocate.</p> <p>The applicant has prayed for direction upon the respondents to grant provisional pension to the applicant.</p> <p>It appears from the materials on record that the applicant, Constable of Police was dismissed from service on August 7, 2004 on proof of the charge framed against him in the departmental enquiry. The order of dismissal of the applicant passed by the Disciplinary Authority on August 7, 2004 was affirmed by the Appellate Authority on October 18, 2004. The order of dismissal of the applicant from service was unsuccessfully challenged by the applicant before this Tribunal by filing OA 504 of 2005 which was dismissed on February 9, 2009. Again, the applicant unsuccessfully challenged the order passed by the Tribunal in OA 504 of 2005 by filing WPST 672 of 2009, which was also dismissed on March 16, 2010.</p> <p>The question for consideration is whether the applicant is entitled to get pension after dismissal from service. It is clearly laid</p>	

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Rajib	<p>down in Rule 33 of West Bengal Services (Death-cum-Retirement Benefit) Rules, 1971 that a dismissed employee is not entitled to get pension.</p> <p>In view of our above findings, the present application is dismissed.</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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