

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

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

Case No –OA-28 of 2019.

Niranjan Maity. –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>4 05.03.2019.</p>	<p>For the Applicant : Mrs. S. Agarwal, Mr. S. Arefin, Mrs. S. Dey, Advocates.</p> <p>For the Respondents : Mr. S. Ghosh, Advocate.</p> <p>For the Principal Accountant : Mr. B. Mitra, General (A&E), West Bengal. Departmental Representative.</p> <p>In this application the applicant, who was appointed on compassionate ground on 11th February, 2011 and had superannuated on 31st July, 2018, has prayed for a direction upon the respondents to grant pension and consequential service benefits since he was found eligible for compassionate appointment on 20th August, 1998 by the Chief Medical Officer of Health, Midnapore after the death of his father Khudiram Maity on 1st November, 1994. Submission is since the applicant was kept waiting for appointment and was ultimately appointed on 11th February, 2011, the State authorities may be directed to take into account the period in waiting notionally for counting towards grant of pension. On a query Mrs. S. Agarwal, learned advocate for the applicant could not show us any rule supporting her submission. On a further</p>	

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Sourav	<p>query it is submitted that after superannuation the applicant received service gratuity with protest.</p> <p>Heard Mrs. Agarwal, and also Mr. S. Ghosh, learned advocate for the respondents and Mr. B. Mitra, the departmental representative for the Principal Accountant General (A&E), West Bengal.</p> <p>Since no rule or order has been shown supporting the submission that the period during which the applicant was kept waiting for appointment is to be counted notionally for grant of pension and as the applicant during his service career did not raise such issue, no order is passed on the application. The application is disposed of.</p> <p>(DR. SUBESH KUMAR DAS) MEMBER (A)</p> <p>(SOUMITRA PAL) CHAIRMAN</p>	