

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

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

Case No –OA-387 of 2018.

Momina Khatun. –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;">04 04.02.2019.</p>	<p>For the Applicant : Mr. M. Karim, Mr. A. Samad, Advocates.</p> <p>For the Respondents : Mr. S. Ghosh, Advocate.</p> <p>For the Principal Accountant : Mr. Biswanath Mitra, General (A&E), West Bengal. (Departmental Representative).</p> <p>Though the matter has appeared under the heading “Reply/Rejoinder and Objection”, however with the consent of Mr. M. Karim, learned advocate for the applicant, Mr. S. Ghosh, learned advocate for the respondents and Mr. Biswanath Mitra, Departmental Representative for the Principal Accountant General (A&E), West Bengal, the matter is taken up for hearing.</p> <p>In this application the applicant who was serving as Group -D Assistant in the West Bengal Health Services from 6th January, 1976 and had superannuated on 31st May, 2017 has prayed for a direction to release all service benefits along with regular pension with interest. It appears from the application that the applicant was absent from her duties from 1st October, 1990 to 17th January, 1997 and again from 1st September, 2006 to 31st May, 2017. It appears prayer has been made before the competent authority to regularise the period of absence. It is evident from the statements in the application that</p>	

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	<p>the competent authority has sanctioned leave from 1st October, 1990 to 17th January, 1997 and from 1st September, 2006 to 31st May, 2017. Thereafter pension papers were sent before the Accountant General (A&E), West Bengal. The Accounts Officer/Pen. III by intimation dated 14th September, 2017, appearing at page 51 of this application, has observed as under :</p> <p style="text-align: center;"><i>“.....Kindly refer to the pension case sent vide your letter no. mentioned above.</i></p> <p style="text-align: center;"><i>In this regard I am to state that</i></p> <p style="text-align: center;"><i>I) The pension case will be processed on receipt of clarifications/documents/compliance of observations as detailed below :</i></p> <p style="text-align: center;"><i>1. Scrutiny of service Book (Page no, 16 & 17 of Vol.-I) revealed that the Govt. employee was absent twice for a continuous period of more than 5 years each. Firstly, she was absent for period from 01.10.1990 to 17.01.1997 and secondly, for a period from 01.09.2006 to 31.05.2017.</i></p> <p style="text-align: center;"><i>2. In terms of Rule 34 (1) of WBSR Part I unless the Governor in view of the exceptional circumstances of the case,</i></p>	

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	<p><i>otherwise determines the Govt. employee shall be granted leave of any kind of a continuous period exceeding five years.</i></p> <p><i>Hence the above mentioned two periods of absence of the incumbent may be regularised under orders of Hon'ble Governor of the West Bengal. An attested copy of such orders may please be furnished at the time of resubmission of the pension case.</i></p> <p>3. ALL THE ENCLOSED DOCUMENTS INCLUDING ORIGINAL SERVICE BOOK OF THE INCUMBENT IS REQUIRED TO BE FURNISHED AT THE TIME OF RESUBMISSION OF THE PENSION CASE.</p> <p>II) Pension papers Sr. Book of MOMINA KHATUN is returned herewith, with the request to resubmit the same along with the above documents/information to finalize the pension case.</p> <p>III) Kindly quote the pensioner file id No. 2241706954 while resubmitting</p>	

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Sourav	<p style="text-align: center;"><i>Pension papers and for all future correspondence. An early action is requested....."</i></p> <p>Heard Mr. M. Karim, learned advocate for the applicant, Mr. S. Ghosh, learned advocate for the respondents and Mr. Biswanath Mitra, Departmental Representative for the Principal Accountant General (A&E), West Bengal.</p> <p>Since the regularisation of the leave of the applicant has to be done by the Principal Secretary, Department of Health and Family Welfare, Government of West Bengal, now re-designated as Additional Chief Secretary, this application is disposed of by directing the Additional Chief Secretary, Department of Health and Family Welfare, Government of West Bengal, -the respondent no.-1, to take a decision about the regularisation of the leave of the applicant by passing an reasoned order to be communicated to the applicant within ten weeks from the date of presentation of a copy of this order and thereafter the Additional Chief Secretary shall take necessary follow up action, if required, under the law.</p> <p style="text-align: center;">(DR. SUBESH KUMAR DAS) MEMBER (A)</p> <p style="text-align: center;">(SOUMITRA PAL) CHAIRMAN</p>	