

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

The Hon'ble Justice Ranjit Kumar Bag

&amp; The Hon'ble Subesh Kumar Das

**Case No. OA 85 of 2018****SK. KAMIRUDDIN –Vs. 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;">1</p> <hr/> <p>26.04.2018</p>	<p><i>For the applicant : Mr. R.K. Mondal, Mr. D.N. Roy, Mr. S. Ghosh, Mr. G. Halder, Learned Advocates.</i></p> <p><i>For the Respondent No.3 : Mr. B.K. Roy, Learned Advocate.</i></p> <p><i>Liberty is given to the advocate of record for the applicant to amend the cause title of the original application for incorporating the designation “Principal Secretary” instead of “Additional Chief Secretary” in course of this day.</i></p> <p><i>The applicant joined in the post of Constable at SAP 12<sup>th</sup> Battalion on January 18, 2007 and he retired from service on December 31, 2016. The contention of the applicant is that he served for 9 years 11 months and 14 days, but he did not get pension due to short fall of 17 days in qualifying service of 10 years for receiving</i></p>	

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	<p><i>pension. The applicant submitted one representation before Respondent No. 3 praying for condonation of short fall of 17 days in the qualifying service for pension on January 2, 2018, but the said representation was not considered by the said respondent. The applicant has prayed for direction upon the Respondent No. 1 to exercise power under Rule 36 of West Bengal Services (Death-cum-Retirement Benefits) Rules, 1971 for the purpose of condoning short fall of 17 days in qualifying service of the applicant.</i></p> <p><i>Having heard Learned Counsel representing both parties and on consideration of the provisions of Rule 36 of West Bengal Services (Death-cum-Retirement Benefits) Rules, 1971, we direct Respondent No.1, Principal Secretary, Department of Home (Police), Government of West Bengal to consider the claim of the applicant for condonation of short fall of 17 days in qualifying service for pension by invoking the provisions of Rule 36 of West Bengal Services (Death-cum-Retirement Benefits) Rules, 1971 within a period of 12 weeks from the date of communication of the order and to communicate the result of the same to the applicant within a period of 2 weeks thereafter.</i></p>	

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Rajib	<p><i>With the above direction, the original application is disposed of.</i></p> <p><i>Let a plain copy of the order be supplied to both the parties.</i></p> <p>( S.K.DAS) <b>Member (A)</b></p> <p>( R.K.BAG) <b>Member (J)</b></p>	

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