

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson and Administrative Member

Case No. - OA 13 of 2025

ANUP KUMAR BANDYOPADHYAY - VERSUS - THE STATE OF WEST BENGAL & ORS.

Serial No. and Date of order	For the Applicant	:	Ms. Anita Shaw, Learned Advocate
	For the State Respondents	:	Mr. Subit Kumar Mandal, Learned Advocate
<u>2</u> 16.04.2025	For the Principal Accountant General (A&E), West Bengal	:	Mr. Biswanath Mitra, Departmental Representative

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No.638-WBAT/2J-15/2016 (Pt.-II) dated 23rd November, 2022 issued in exercise of the powers conferred under section 5(6) of the Administrative Tribunals Act, 1985.

Let affidavit of service filed be kept on record.

The prayer in this application is for a direction to the respondent authorities to release pension in his favour from the date of retirement, that is 30.09.2021, by condoning the deficiency of short fall of three months to complete the qualifying service of 10 years after considering his representation dated 10.12.2024.

The applicant was appointed by the order of the Superintending Engineer, P.W.D. on 12.12.2011, who was posted and joined as Work Assistant under Kharagpore Sub-Division by the Executive Engineer I, Public Works Directorate, Kharagpore Division on 14.12.2011. After rendering total service period of nine years and nine months, the applicant superannuated on 30.09.2021, having a shortfall of three months to qualify for getting pension. Learned counsel on behalf of the applicant submitted that as per Rule 36 of the Death-cum-Retirement Benefits Rules, 1971, the authority could consider the deficiency of service of three months to get pension upon reaching 10 years of qualifying service. Though a representation was made by the applicant on 10.12.2024 before the respondent authority, the same has not been considered. She also prayed for liberty to file a fresh representation before the Principal Secretary of the concerned Department.

Mr. Subit Kumar Mandal, learned counsel for the State respondents does not object the prayers of the applicant.

In view of the above observation, the applicant is directed to submit a representation afresh before the respondent No.1, the Principal Secretary, Public Works Department, praying for condonation of the shortfall of three months of his qualifying service to get pension upon

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reaching 10 years in terms of Rule 36 of the Death-cum-Retirement Benefits Rules, 1971, within a period of 60 days. If such representation is filed before her within the stipulated time, the respondent No.1 is directed to dispose of the prayer of the applicant by considering his representation and taking a final decision as per Rules within a period of another 90 days from the date of receipt of such representation and communicate her decision within two weeks thereafter.

The application is disposed of.

(SAYEED AHMED BABA)
OFFICIATING CHAIRPERSON
and MEMBER (A)

SCN.