

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-11 of 2025

Bhupesh Paswan - Vs - The State of West Bengal & Ors.

Serial No. and
Date of order

03
16.04.2025

For the Applicant : S.N. Ray,
Learned Advocate.

For the State Respondents : Mr. S. Ghosh,
Learned Advocate..

For the Pr. A.G.W.B. Mr. B. Mitra,

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.

The applicant has prayed for a direction to the respondent authorities to sanction his pension for having worked for 39 years in the post of Group-D since 1983.

From the submissions and the records, it has become clear that although the applicant appeared to have been working as a Group-D but his service were regularised w.e.f. 05.08.2008. In the past, the District Magistrate, Malda as the Vice Chairman of Malda Museum Management Committee had requested the Deptt. of Information and Cultural Affairs in his letter No. 849 dated 24.08.2010 requesting his past service be counted to entitle him the benefits of pension. The Deptt. does not seem to have taken any decision in this matter. A copy of Memorandum 1176 dated 11.03.2013 shows Bhupesh Paswan holding the post of Peon-cum-Farash appointed in the permanent establishment w.e.f. 05.08.2008. The Memorandum issued by the Member Secretary, MMMC also shows 02.04.1983 as his date of joining. The Tribunal finds copies of representations filed by the applicant himself stating the date of appointment of his service and praying for pension but no copies are available to show that since 1983 till his date of regularisation on

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05.08.2008, the applicant had requested the employer for regularisation of his service. The Tribunal also finds that in Memo 86 dated 05.09.2008, the Member Secretary had appointed the applicant “on regular basis temporarily” w.e.f. 06.08.2008. Such appointment on regular basis but temporarily appears in terms of Notification No. 2020-ICA dated 06.08.2008 and Notification No. 2021-ICA dated 06.08.2008. The applicant’s side is directed to file copies of these Notifications before this Tribunal on the next date. The Tribunal also directs the respondent’s side to file a comprehensive reply in this matter. Let this be filed before this Tribunal and let the matter appear under the heading **Hearing on 05.08.2025.**

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

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