

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson & Member (A)

Case No. –OA-376 of 2023

Shri Ashoke Kumar Koley. -- VERSUS – The State of West Bengal & Others

Serial No. and
Date of order

For the Applicant

: Mr. Soumendra Narayan Ray,
Learned counsel.

07
04.04.2025

For the State Respondents

: Mr. Goutam Pathak Banerjee,
Learned counsel.

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.

In this application the applicant has prayed for a direction upon the respondent authorities towards counting the past service of N.V.F. for the period from 1984 to 2006 continuously and thereafter joining as Constable in W.B.P. till 2015 for his pension.

Mr. Banerjee, learned counsel had opposed the admission of this application on the ground that the application is barred by limitation since the applicant retired in the year 2015 and this application is filed in the year 2023.

The applicant had joined the West Bengal National Voluntary Force in 1984 and continued serving till 2006. In 2006, he was appointed on regular establishment in West Bengal Police Force as a Constable. He served in this post as a Constable till 31.07.2015, the date of his superannuation. Since minimum qualifying period for grant of pension as a Constable was less than ten years, the applicant was not sanctioned any pension. His argument is that the State respondent should have counted his past service as a N.V.F. Volunteer from 1984 to 2006 thus making him eligible to receive pension. Such counting of the past service as N.V.F. Volunteer would have a cumulative service length of 31 years from 1984 to 2015.

As stated by the applicant himself in his application, his service as a N.V.F. Volunteer was contractual in nature and such contract was renewed periodically until he was appointed as a Constable in the Police Department on

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regular basis.

It is not in dispute that the applicant participated in the selection process of Police Constable and was successful. It was a new appointment and his service as regular employee started from this day in 2006. Since the total length of service till his superannuation remained less than ten years, the applicant was not entitled to receive pensionary benefits. However, the applicant has not prayed for relaxation of the shortfall in the qualifying service, rather his prayer is for counting of his past service as a continuation to the post of Constable from which he superannuated. The judgement in W.P.S.T. 91 of 2019 in Sudhansu Karmakar and others-Vs-the State of West Bengal and others while dealing with a similar matter confirmed the order of this Tribunal in O.A.-1227 of 2015. The applicants in that application had also prayed for counting of their past service as N.V.F. Volunteer and prayed for pension and other pensionary benefits.

Having heard the submissions the Tribunal comes to this conclusion that since the applicant has not rendered continuous service for more than ten years in the post of Constable, he is not entitled to the benefit of past service for grant of pension. The Tribunal reiterates that his appointment as a Constable in the year 2006 was a fresh appointment. Therefore, his past service as a N.V.F. Volunteer cannot be termed as a service to be added to the post of Police Constable.

Therefore, this application, devoid of any merit, is disposed of.

SAYEED AHMED BABA
Officiating Chairperson & Member (A)

S.M.