

IN THE HIGH COURT AT CALCUTTA

CONSTITUTIONAL WRIT JURISDICTION
Appellate Side

08.09.2026
D/L 19
Court No. 4
(Naba)

W.P.S.T. 160 of 2026

Asish Kumar Sarkar

Vs.

The State of West Bengal & Ors.

Mr. Sudipta Dasgupta,
Ms. Suryatapa Das,
Ms. Sinjini Chakrabarti

...for the Petitioner

Mr. D. N. Ray, ld. G.P.,
Mr. Guddu Singh,
Mr. Sourav Halder

...for the State Respondents

1. The learned advocate for the writ petitioner submits that there is shortfall of 01 year 19 days in the requisite qualifying service (10 years) for grant of minimum pension under the West Bengal Services (Death-cum-Retirement Benefit) Rules, 1971 (for short 'the DCRB Rules'). He submits that the recruitment process was protracted/delayed by the authorities. After several orders passed in judicial proceedings at the instance of others, the appointment was finally granted to him in 2017. He, therefore, submits that to the limited extent of qualifying service for the purposes of pensionary benefit, the petitioner deserves some relaxation.

2. The learned G.P. submits that the DCRB Rules limit the discretion for condonation of shortfall to 06 months in Rule 36 of the DCRB Rules.
3. Upon further scrutiny of the DCRB Rules, we find that there is residuary power in Rules 3, 4 and 5 of the same.
4. The learned advocate for the writ petitioner, thus, submits that he will invoke residuary power of the authorities seeking a relaxation having regard to the special circumstances in this case, as noted above.
5. In view of the submission advanced by the learned advocate for the writ petitioner, we leave it to the writ petitioner to raise a claim by way of a detailed representation before the Principal Secretary of the Agriculture Department (Respondent No.2).
6. Let the representation be filed within two weeks from date for availing benefit of the present order.
7. If the representation is filed, the authority should consider the petitioner's claim and pass a reasoned order thereupon in accordance with law within a period of 08 (eight) weeks from the date of submission of the representation.
8. The Writ Petition is accordingly disposed of.
9. There will be no order as to costs.

10. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Madhuresh Prasad, J.)

(Partha Pratim Roy, J.)