

ORDER SHEET

WPO 417 of 2020
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

NETAI CHANDRA PAUL
VS.
THE STATE OF WEST BENGAL & ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date: 16th December, 2020

Mr. Debdutta Basu, Advocate for the petitioner.

Ms. Deblina Chattaraj, Advocate for West
Bengal Transport Corporation.
Mr. Subhabrata Dutta, Mr. Debashis Sarkar,
Advocates for the State respondent.

The Court : Affidavit of service filed in Court today be kept on record.

The petitioner is a retired employee of the West Bengal Transport Corporation Limited. He retired from service on attaining his normal age of superannuation on 31st July, 2019. The petitioner admits that the qualifying service period for getting 50 per cent pension is ten years but he has served for a period of nine years, nine months and two days.

The petitioner relies upon a gazette notification which was published on 24th December, 2001 bearing No. CNB/F-3 Pension/G-328 wherein there is a provision for condonation of deficiency in service. Paragraph 19 of the aforesaid gazette notification mention that, on any condition which it may

think fit to impose, the Company may condone a deficiency upto six months in the qualifying service of an employee.

The petitioner submits that his prayer for grant of pension may be considered in accordance with the aforesaid provision.

The petitioner made representation before the respondent Company praying for granting pension in his favour on 3rd September, 2020. The same not being considered, the petitioner filed the instant writ petition.

As it appears that the prayer of the petitioner is pending consideration at the end of the respondent Company, no useful purpose will be served by keeping the writ petition pending. The same is, accordingly, disposed of by directing the respondent no. 3 to take a decision with regard to the representation made by the petitioner, strictly in accordance with the relevant rules, within a period of six weeks from the date of communication of a copy of this order. The said respondent shall pass a reasoned order and communicate the same to the petitioner immediately thereafter.

In the event the said respondent is of the opinion that the petitioner was eligible for getting pension, then steps will be taken by him for releasing the pension in his favour, at the earliest, upon completion of necessary formalities.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of usual legal formalities.

(AMRITA SINHA, J.)

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