

09.04.2021
Ct. No.13
Sl. No.35
akd

W.P.A. 4287 of 2020 [via video conference]

[Archana Chatterjee -Vs- State of West Bengal & Ors.]

Mr. Bhabani Prasad Mondal
... .. for the petitioner

Despite specific notice dated 22nd March, 2021, the respondents are not represented. Notice dated 22nd March, 2021 may be kept with the record.

The writ petitioner superannuated from service of the Public Service Commission, West Bengal on 31st August, 2013. She had completed 9 years 9 months and 21 days of service. She was 2 months and 9 days short of the minimum period of ten years of service to entitle her to pension under the WBS (DCRB) Rules, 1971.

Learned counsel for the petitioner relies upon the amended Rule 62 of the said 1971 Rules effected by Memorandum No. 14971-F dated 16th December, 1983. By the said Memorandum it was modified that service for a fraction of three months and above shall be treated as a full six months period for pension.

Applying the aforesaid circular, the petitioner would be deemed to have completed twenty, six monthly period of service.

The impugned order dated 7th January, 2020 has failed to address the aforesaid amended Rule 62 of the WBS (DCRB) Rules, 1971. The expression that the petitioner has rendered 60 years of service and the context and purpose thereof is wholly misunderstood.

In view of the above, the order dated 7th January, 2020 issued by the Assistant Secretary, Finance Department, Audit Branch, Government of West Bengal shall stand set aside.

The petitioner shall be entitled to pension and the same shall be released to the petitioner within a period of two months from the date of communication of a copy of this order.

With the aforesaid observations, the writ petition is disposed of.

There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Rajasekhar Mantha, J.)