

25.03.2021.
Item no. 27.
Court No.13
ap

W.P.A. No. 11253 of 2019
With
I.A. No. CAN 2 of 2021
(Through Video Conference)

Lalu Chandra Kaity & Anr.
Versus
The State of West Bengal & Ors.

Mr. Falguni Bandyopadhyay.
...For the petitioners.

Mr. Arjun Roy Mukherjee,
Mr. Joydeep Acharya.
..For the State.

The petitioners were initially engaged on Casual Basis in the Office of the Additional Executive Officer, Purulia Zilla Parishad. The petitioners' services were thereafter regularized and they have superannuated within two years of such regularisation.

Counsel for the petitioners would rely upon an order dated July, 2019 passed by a Division Bench of this Court in the case of **Upas Chandra Bouri – Vs. – The State of West Bengal & Ors.** being **F.M.A. No. 856 of 2015** similarly situated as the petitioner, who was running three years short of the minimum requirement of ten years of minimum qualifying service for pension.

It is submitted that the Authorities in the case of Upas Chandra Bouri (supra) have, in fact, taken into consideration the period of casual service rendered for

the purpose of computation of ten years for entitlement to pension.

The petitioner no.2 made a representation dated 3rd April, 2019 before the Executive Officer, Purulia Zilla Parishad for consideration of the period of service rendered as a casual worker to state that he has more than 10 years of service and is hence entitled to family pension.

In those circumstances, the Secretary, Department of Panchayat and Rural Development shall consider and dispose of the petitioners' representation as aforesaid in the light of the decision of the Department in the case of Durgadas Pramanik, Shyamal Majhi and Upas Chandra Bouri, being similarly situated persons.

Let such consideration of the said representation be effected within four months from the date of communication of a copy of this order. A reasoned order be passed in respect thereof and the same may be communicated to the petitioners within ten days thereof.

With the aforesaid directions, the instant writ application shall stand disposed of.

In view of the disposal of the main writ application, the connected application being CAN 2 of 2021 shall also stand disposed of.

There will be no order as to costs.

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

(*Rajasekhar Mantha, J.*)