

04.02.2021.

WPA 11944 of 2020

Arup Kumar Adhikary Vs The State of West Bengal & Ors.

Mr. Ekramul Biswas
Mr. Siddhartha Sankar Mondal
Ms. Tanuja Basak
... For the Petitioner.

Mr. Supriyo Chattopadhyay
Mr. Sabyasachi Mondal
... For the State.

Mr. Ratul Biswas
... For the Respondent Nos. 5 & 6.

Learned Counsel appearing for the petitioner submits that the petitioner was appointed as an Assistant Teacher of Dhulagori Dakshinpar Primary School and retired from service on 31st January, 2020 with a service tenure of 09 years 11 months and 21 days having shortage of only 9 days on qualifying service for sanction of pension.

A memorandum dated 2nd February, 2009 inter alia says:-

“after careful consideration of the matter the Governor is pleased to decide that a fraction of a year equal to three months and above shall be treated as completed six monthly period of service and reckoned as qualifying service for determining retirement benefits and the period of service below three months will be ignored”.

In view of such memorandum the

petitioner is eligible for pensionary benefits and the deficiency period of 9 days should be condoned by the State.

Learned Counsel appearing for the State is present.

Heard both the parties.

It is apparent that relaxation is permitted for payment of pension in terms of the aforesaid Memo dated 02.02.2009.

In the instant case, there is short fall of only 9 days from 10 years and the Commissioner of School Education, Government of West Bengal being the respondent no. 2 in the instant application is directed to condone the delay of 9 days that the petitioner is falling short and approve his case for pension and other retirement benefits under the DCRB Scheme of 1981 of the Government of West Bengal.

Let such clearance be effected within a period of two months from the date of communication of a copy of this order. Upon such clearance, the Director of Pension Provident Fund and Group Insurance being the respondent no. 8 in the instant application shall complete the computation of pensionary and other retirement benefits payable to the petitioner within a period of

two months and pension must be released to the petitioner immediately thereafter.

With the above direction WPA 11944 of 2020 is disposed of.

Since no affidavits have been invited, the allegations contained in the writ petition are deemed not to have been admitted by the respondents.

There will be no order as to costs.

The parties shall act in terms of the copy of the order downloaded from the official website of this Court.

(Rajarshi Bharadwaj, J.)