

29.11.2022
Item No. 137
Ct. No. 238
AKG

WPA 76 of 2022
Dr. Asit Kumar Basu & Ors.
Versus
State of West Bengal & Ors.

Mr. Ranajit Chatterjee,
Mr. Aniruddha Mitra

...for the Petitioners

Ms. Lina Majumder

...for the Respondent Nos. 3 & 4

Mr. Amal Kr. Sen,
Mr. Jaladhi Das

...for the State

Petitioners are retired Professor of Bidhan Chandra Krishi Viswavidyalaya. Long after their retirement, the Agricultural Department of the Government of West Bengal introduced a memo being no. 2506 (2)-Edn./AG/O/3E (U)- 01/2018 dated 3rd January, 2020, whereby the benefits of accumulation of earned leave upto maximum 300 days and encashment of cash equivalent leave salary upto maximum limit of 300 days were extended. The benefits were directed to be provided from the date of issuance of the order. The petitioners have approached this Court for extending the benefits of the said order dated January 3, 2020, to them.

It is the case of the petitioners that way back in the year 2006, the Department of Higher Education introduced the said benefits for its employees. Thereafter

in the year 2008, Animal Resources Development Department also extended the similar benefits to the teaching staff of the West Bengal University of Animal and Fishery Sciences with a retrospective effect from April 1, 2006. Therefore, Mr. Chatterjee argues that the petitioners, in this case, also should be extended the similar benefits of leave encashment and leave salary by giving a retrospective effect of the order dated 3rd January, 2020.

It is the stand of the government that the policies pertaining to financial benefits of the teachers and other staff of the University are always framed by the Agricultural Department, Government of West Bengal. The policy pertaining to the financial benefits of the University may not be the same or identical with the policy framed by any other department of Government of West Bengal. The State argues that the government or the executive has the power to give financial benefits to its employees or retired employees as service condition prospectively. Whenever a new benefit, in particular any financial benefit, is granted or any new scheme is granted, the State may provide for cut off date taking into consideration of its financial resources. Therefore, there is no arbitrariness or reasonableness in introducing the order dated 3rd January, 2020 with prospective effect.

I find substance in the stand taken by the State. The petitioners retired long ago before the order dated 3rd January, 2020 was introduced. The benefit, which the petitioners claim, was introduced by the Department of Education, and the Department of Animal Resources Development in the year 2006 and 2008 respectively. The petitioners could have approached this Court seeking similar benefits within a reasonable time from the date of issuance of said government orders.

The petitioners chose to move this writ petition only after their retirement after the acceptance of retiral dues including the benefit of leave encashment. On that ground also, no relief can be granted to the petitioners.

Accordingly, WPA 76 of 2022 is dismissed.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Kausik Chanda, J.)