

06.04.2022
SL No. 24
Court No. 24
(P.M)

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

WPA 3263 of 2022

**Pramatha Nath Das
Vs
The State of West Bengal & Ors.**

Mr. Shamim ul Bari,
Ms. Molly Saha
... for the petitioner

Mr. Arindam Chattopadhyay
... for DPSC, Nadia

Mr. Pinaki Bhattacharyya
... for DPSC North 24-Parganas

The petitioner retired as a primary school teacher. He was not granted pension as there was shortfall of two months and twenty days in the qualifying service period of the petitioner.

The petitioner claims that he approached the respondent authority praying for condoning the shortfall in his qualifying service period. The authorities have not taken any decision with regard to his prayer made for condoning the shortfall of his qualifying service period.

The petitioner relies upon the DCRB Scheme where there is a provision for condoning shortfall in the qualifying service for a period of six months. In

the present case the shortfall in service of the petitioner is two months and twenty days.

In view of the above, the Secretary of the School Education Department, Government of West Bengal is directed to take a decision with regard to the prayer of the petitioner praying for condoning the deficiency of two months and twenty days in the qualifying pensionable service period strictly, in accordance with the DCRB Scheme, 1981 at the earliest, but positively within a period of eight 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.

The petitioner is directed to forward a copy of the representation dated 24th March, 2022 along with all relevant documents in support of his claim for condoning the shortfall in service to the aforesaid respondent at the time of communicating the order of this Court.

The writ petition is disposed of.

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

(Amrita Sinha, J.)

