

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 4016 of 2021

Surja Narayan Mahato
Vs.
The State of West Bengal & Ors.

Mr. Satya Ranjan Kundu
... For the petitioner

Mr. Puspall Chakraborty
... For the respondents no.1 to 5

Ms. Mitali Bhattacharya
... For the respondent no.6

The petitioner retired from the services of West Bengal State Electricity Board (in short “WBSEB”) on 30th June, 2008. After the bifurcation of WBSEB, the petitioner is drawing pension from West Bengal State Electricity Distribution Company Limited (in short “WBSEDCL”). The petitioner says that there has been revision in the Pay Scale in respect of the post in which the petitioner last served and, as such, the petitioner is entitled to receive higher pension than that of which he is receiving at the present.

Although the petitioner has approached this Court on or about 5th February, 2021, but I find that the petitioner’s cause, if any, is a continuing cause of action, inasmuch as it arises every month when the petitioner is paid the pension irrespective of the fact whether the

petitioner is entitled to higher pension which can be gone into only on scrutiny of petitioner's claim on merit. The writ petition is as such not required to be dismissed on the ground of long delay and laches in approaching the Court as laid down in (2016) 13 SCC 797 (Asger Ibrahim Amin v. Life Insurance Corporation of India).

After hearing the parties and considering the materials on record, I find that justice will be subserved if I direct the DE and Divisional Manager, Purulia (O & M) Division, WBSEDCL, being the respondent no.3, to consider and dispose of the petitioner's representation dated 15th March, 2019 by a reasoned order after affording the petitioner an opportunity of hearing within 30th April, 2022. The respondent no.3 shall consider all the issues raised by the petitioner and answer them specifically in his reasoned order. The reasoned order passed in terms of this direction should be communicated within ten days from the date of passing of the same to the petitioner.

The parties, including the respondent no.3, shall act on the basis of a server copy of this order without insisting upon production of a certified copy thereof.

Nothing further remains to be adjudicated in this writ petition. The same is disposed of accordingly without any order as to costs.

Since I have not called for any affidavits, allegations made in the writ petition are deemed to have not been admitted.

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

(Arindam Mukherjee, J.)