

23.03.2022
SL No. 57
Court No. 24
(P.M)

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

WPA 3473 of 2022

**Haradhan Majee
Vs
The State of West Bengal & Ors.**

Mr. Lalratan Mondal,
Mr. Avik Kr. Sadhu,
Mr. Dilip Kumar Sadhu
... for the petitioner.

Mr. Tapan Kr. Mukherjee,
Ms. Sangeeta Roy
... for the State

Mr. Bhaskar Prasad Vaisya,
Mr. Nilay Baran Mondal
... for DPSC, Purulia

The petitioner was appointed as primary school teacher by the District Primary School Council in February, 1997. He joined school on 25th February, 1997 and retired from service on attaining his normal age of superannuation on 31st August, 2005.

As the petitioner did not achieve the minimum qualifying service period he was not paid any pension.

The petitioner filed a representation before the respondent authorities and served the same through post on 25th February, 2021. The petitioner filed the present writ petition on 24th February, 2022 praying for a direction upon the respondent authorities to consider

his representation and to grant pension by condoning the shortfall in the qualifying service period.

The petitioner submits that he was serving as an organizer teacher in the school from the year 1972. An interview was called for appointment of primary school teacher in the year 1988 and a panel was prepared. The panel was approved in the year 1997 and thereafter the appointment letter was issued in his favour.

The petitioner submits that the period for which he worked as organizer teacher prior to his regular appointment in 1997 be taken into consideration for the purpose of assessing his tenure of service.

It appears from the submissions made on behalf of the petitioner and from the documents annexed to the writ petition that after his retirement in the year 2005 the petitioner never raised any issue regarding non-granting of pension in his favour. It is only in the year 2021 that the petitioner approached the authorities for the first time with a prayer for grant of pension upon condoning the shortfall in the qualifying service period. There is no explanation whatsoever in the writ petition as to why the petitioner approached the Court after such a long time and why the petitioner never approached the authority in proper time.

It appears that the petitioner relies upon several judgments passed by this Court in similar matters where

direction was given for condoning the shortfall in the qualifying service period of the incumbent.

In the present case, the petitioner has not come forward with any case which permits condonation of the shortfall in the qualifying service period. Moreover, the petitioner has approached this Court nearly seventeen years after his retirement.

The prayer of the petitioner, accordingly, cannot be accepted by the Court. There is inordinate unexplained delay in filing the writ petition.

The Court does not find any reason to interfere in the present case.

Writ petition fails and is hereby dismissed.

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

(Amrita Sinha, J.)