

Item No.87

15.02.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
(via video conference)

WPA 9766 of 2021
Birendra Nath Mondal
v.
The State of West Bengal & Ors.

Mr. Sakti Pada Jana
Mr. Subhajyoti Das
... for the petitioner.

The petitioner is a retired primary school teacher. He retired on attaining his normal age of superannuation on March 31, 2019.

The petitioner was appointed on March 17, 2010. As he did not attain the minimum qualifying service period for getting pension, accordingly pension was not sanctioned in his favour.

He made a representation for sanction of pension before the Director, Directorate of Pension, Provident Fund & Group Insurance, West Bengal on February 15, 2021 and prays for a direction for consideration of the said representation.

It appears from the averments made in the writ petition and the submission made in Court that the petitioner was appointed on March 17, 2010.

The petitioner submits that the respondent authorities took a very long time for verification of the certificates/testimonials of the petitioner. The petitioner was requested to produce all his testimonials in April 2007 and the respondents after verification of the testimonials issued the letter of appointment in his favour in March 2010.

Had the respondents issued the letter of appointment in his favour immediately upon verification

of his documents then certainly the petitioner would have got the benefit of the qualifying service period and would have enjoyed pension.

As per the provision of the DCRB Scheme, 1981 an employee is entitled to receive pension upon completion of ten years of satisfactory service. The petitioner admittedly did not complete ten years of continuous service. At the time of issuance of the letter of appointment in his favour in the year 2010 the petitioner did not raise the issue or made any objection before the respondents that due to the delay in issuance of letter of appointment he will become ineligible to receive pension after retirement from service.

The petitioner has come up for condoning the shortfall of nine months and fourteen days in the qualifying service period.

No provision in the DCRB Scheme, 1981 has been shown to the Court for condoning shortfall in service beyond six months.

Accordingly, no useful purpose will be served in referring the matter to the Director, Directorate of Pension, Provident Fund & Group Insurance, West Bengal for consideration of the prayer of the petitioner.

A similar issue was decided by this Court in the matter of Dinesh Mondal –vs- The State of West Bengal & Ors. (WPA 2310 of 2020) and by order dated 23rd December, 2021 the Court was pleased to reject the prayer for condoning the shortfall.

In view of the above, no relief can be granted to the petitioner in the instant writ petition.

The writ petition fails and is hereby dismissed.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

Sh

(Amrita Sinha, J.)