

M/L 82
12.07.2022
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Ct23

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 11387 of 2022

Gopal Kanjilal
Vs.
Union of India & Ors.

Mr. Prasanta Kumar pakrashi
... For the petitioner.

Mr. Debapriya Gupta
... For the respondents.

Affidavit of service filed in Court today is taken on record.

This is the second round of litigation on the selfsame cause. The petitioner is seeking pensionary benefit on having resigned from the services of Border Security Force (in short, BSF). The petitioner's prayer was disallowed by Delhi High Court vide judgment and order dated 23rd December, 2015, which is annexed at page 17 of the writ petition. The petitioner challenged the order of Delhi High Court before the Hon'ble Supreme Court by filing a Special Leave Petition (in short, SLP). The SLP was dismissed. However, the petitioner was given liberty to make representation to the concerned authority for payment of salary from 9th December, 1998, being the date on which he re-joined till the date of discharge i.e. 21st July, 1999. It is an admitted position that the salary for the said period has been duly paid. The petitioner says that he has made a fresh

representation for pension which has not been considered yet. There is no scope for directing the issue of pension being re-considered once again for the reasons as aforesaid.

The writ petition is misconceived and devoid of merits. The same is liable to be dismissed and is accordingly dismissed without any order as to costs.

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

(Arindam Mukherjee, J.)