

**Dr. Debesh Pal
Versus
The State of West Bengal & Ors**

Mr. Ranajit Chatterjee,
Mr. Aniruddha Mitra,

... For the petitioner.

It is the second call; the respondents are not represented.

It appears that no affidavit has been filed by the respondents in terms of the order dated November 7, 2017, passed in this writ petition.

The petitioner's initial prayer was for approval of his re-employment after his superannuation from the post of Reader in Bidhan Chandra Krishi Viswavidyalaya.

Mr. Ranajit Chatterjee, learned advocate representing the petitioner limits the prayer to the extent of releasing the remuneration of the petitioner from April 1, 2013 to March 31, 2015, for which the petitioner was re-employed with the approval of the Board of Studies of the University pursuant to a recommendation dated January 4, 2013.

Petitioner's case for re-employment, however was turned down by the Executive Council by two subsequent resolutions dated July 31, 2011 and August 1, 2014.

It is the case of the petitioner that since his service has been utilised by the University for the said period

between April 1, 2013 to March 31, 2015, he is entitled to receive re-employment pay for the said period.

In support of his submission, Mr. Chatterjee relied upon the decisions rendered by the Co-ordinate Benches of this Court in WPA 6839 of 2021 (Dr. Pranab Kumar Bandopadhyay vs The State of West Bengal) and in WP 13998 (W) of 2019 (Dr. Sanjoy Kumar Bandopadhyay –vs- State) with W.P. No. 16448 (W) of 2019 (Bidhan Chandra Krishi Vidyalaya vs. State).

The Co-ordinate Benches of this Court in said two decisions held that an employee of the University is entitled to get remuneration for service rendered by him, even if, his re-employment was not approved by the State.

He, further, relied upon a judgment of the Supreme Court reported at (1998) 6 SCC 338 (Ramswaroop Masawan –vs- Municipal Council) to argue that even if an employee stood superannuated on the reaching the age and he continues to serve thereafter, that should be treated as his re-employment.

In view of the judgments passed by the Co-ordinate Benches of this Court in somewhat similar facts, I am of the view that the petitioner shall be entitled to the same relief.

Accordingly, WPA 13897 of 2017 is disposed of with a direction upon respondent no. 4 to ascertain whether the petitioner has served from April 1, 2013 to July 31, 2014 in the University, and if it is found that the

petitioner actually served for the said period, respondent no.4 will take necessary steps to release the remuneration of the petitioner for the same. Such exercise shall be completed within one month from the date of communication of this order .

(Kausik Chanda, J.)