

8.9.2022
Sl.No.3
sn

WPA 17485 of 2022

Bhupal Chandra Biswas
Vs.
The State of West Bengal & Ors.

Mr. Subhrangsu Panda
Ms. Ira Bhattacharyya ..for the petitioner

Mr. Avishek Prasad ..for the State

The petitioner submits that the short fall in his service to the extent of 3 months 26 days, to make him eligible for pension, ought to be condoned by the authority and the pension must be released accordingly. He also submits that under similar circumstances, the short fall in service of one Chandi Charan Das, who did not complete 10 years of qualifying service as per Death Cum Retirement Benefit Rules,1985, had been condoned by the Joint Secretary to the Government of West Bengal.

The petitioner prays for similar relief and claims to be similarly situated as Chandi Charan Das, Ex employee of Lakshminarayanpur Uttar Gram Panchayat.

Under such circumstances, this writ petition is disposed of granting liberty to the petitioner to approach the Joint Secretary to the Government of West Bengal, Department of Panchayats and Rural Department (Panchayat Wing) by filing a composite application. The petitioner is entitled to rely on the

similar judgments which have been passed in this regard, by this Hon'ble Court with regard to the service of employees, in the municipality, schools and other departments.

An opportunity of hearing shall be given to the petitioner or his authorized representative. A reasoned order shall be passed and communicated to the petitioner. If the authorities find that the delay can be condoned by applying the principles of law laid down in this regard, necessary orders shall be passed and the benefit shall be given to the petitioner. However, if the authorities find that there was a bar in granting such benefit to the petitioner, then specific reasons as to why the petitioner, cannot be treated at par with Chandi Charan Das or other employees of other departments, by applying the ratio of the judgments of this Court, must be assigned in the reasoned decision. The reasoned decision shall be passed within a period of three months from the date of receipt of the petitioner's representation.

This writ petition is disposed of.

There will be, however, no order as to costs.

All parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)