

DL-13

14.08.2023
Court No.5
(AD)

WP.ST 98 of 2018
With
IA No.: CAN 3 of 2013
Karunamoy Hazra
Vs.
The State of West Bengal & Ors.

Mr. Anjan Dutta

... for the petitioner.

Mr. Pinaki Dhole

Mr. Avishek Prasad

... for the State-respondents.

In Re.: **IA No.: CAN 3 of 2023**

CAN 3 of 2023 is an application for restoration of CAN 2 of 2023 which is an application for restoration of CAN 1 of 2019 (Old No.CAN 506 of 2019) which is in turn an application for restoration of the writ petition dismissed for default.

Given the plight of the litigant before us and considering the pleadings of the applications, we allow CAN 3 of 2023 restoring CAN 2 of 2023 and on parity of the same reasoning, we restore CAN 1 of 2023 (Old No.CAN 506 of 2019) as also to restore the writ petition to its original file and number.

IA No.: CAN 3 of 2023, CAN 2 of 2023 and CAN 1 of 2019 (Old No.CAN 506 of 2019) are disposed of accordingly.

In Re.: **WP.ST 98 of 2018**

The writ petition is directed against an order dated

April 6, 2018 in OA 128 of 2018 passed by the West Bengal Administrative Tribunal.

Claim of the writ petitioner for consideration of the period of service of the writ petitioner as Tahasil Moharar for the purpose of consideration of the retirement benefit of the writ petitioner subsequent to the writ petitioner being appointed as a night guard was negated by the Tribunal.

Period of work as a Tahasil Moharar cannot be considered for the purpose of qualifying service to receive retiral benefits.

The nature of work of a Tahasil Moharar is seasonal.

Moreover, the regularization of the writ petitioner occurred on certain terms and conditions where the writ petitioner gave up the right to claim benefit of the past service.

In such circumstances, we find no merit in the present writ petition.

WP.ST 98 of 2018 is dismissed without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

