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15.09.
2023
Ct. No.17

WPA 26032 of 2022

**Nepal Chandra Mandal
Vs
The State of W. B. & Ors.**

**Mr. Chandan Chakraborty
.....For the Petitioner
Mr. Biswabrata Basu Mallick
.....For the State**

The petitioner's case is that he has retired from service as school teacher from a primary school on 31st July, 2022. He has a shortfall in qualifying service for getting pension for 2 months and 4 days, as has been submitted before this court.

Under the Death-cum-Retirement Benefit Rules, the Principal Secretary is directed to look into the matter and to give an opportunity of hearing to the petitioner and to decide whether the petitioner's shortfall in qualifying service can be condoned and thereby he can be brought into the fold to the pension. This decision is to be taken by three months from the date of communication of this order after giving an opportunity of hearing to the petitioner and by two weeks thereafter the decision is to be communicated to the petitioner and the petitioner will use the said communication, if it is in his favour for getting pensionary benefits.

With this above observation and direction this writ application is disposed of.

In this matter Mr. Biswabrata Basu Mallick, learned advocate appears for the State. His appointment may be regularised by the concerned authorities.

(Abhijit Gangopadhyay, J.)