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Priyanath Das
Vs.
The State of West Bengal & Ors.

Mr. Bikramaditya Ghosh
Ms. Bedashruti Bose **...for the State**

Petitioner was Secretary of Gram Panchayat who retired on superannuation on 31st May, 2013 after rendering service for a period of 9 years 5 months 10 days. Petitioner was appointed on substantive basis under panchayat authorities on 23rd December, 2003. It has been submitted by the learned advocate representing the petitioner that the length of service of the petitioner falls short of qualifying period of 10 years as a result whereof pensionary benefits have not been released in favour of the petitioner. The learned advocate representing the petitioner submits that a comprehensive representation dated 5th April, 2023 has been made to the concerned respondent authorities praying for condonation of shortfall in qualifying service for release of pensionary benefits and the same is pending before the authority concerned.

The learned advocate representing the State-respondents submits that in terms of relevant provisions of the scheme applicable in case of employees working under the Directorate of Panchayat 10 years continuous service is required for sanctioning pensionary benefits and the petitioner falls short of requisite length of qualifying service.

Having heard the learned advocates representing the parties this Court directs the Principal Secretary, Department of Panchayat and Rural Development being the respondent no. 1 to take a reasoned decision on the representation of the petitioner dated 5th April, 2023 within a period of 12 weeks from the date of communication of the order after granting opportunity of hearing to the petitioner or his representative and if necessary the representative of gram panchayat where petitioner was working may be heard. The decision to be taken by the respondent no. 1 shall be communicated to the petitioner within a period of 2 weeks thereafter.

However, it is made clear if it is decided that the petitioner is entitled to receive pensionary benefits on condonation of shortfall in computing length of service necessary steps shall be taken by the authorities for release of pensionary benefits within a reasonable time.

With aforesaid direction, the writ petition stands disposed of.

There shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)