

02.04.2024
(M/L-54)
Ct.-18
(P. Jana)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

W.P.A. 103 of 2024

Debasish Das @ Debasis Das
Vs.

The State of West Bengal & Ors.

Mr. Biswarup Biswas,
... For the petitioner.

Mr. Pinaki Dhole,
Mr. Ziaur Rahaman,
... For the State.

Affidavit-of-service filed on behalf of the
petitioner be kept with the record.

The petitioner, on December 04, 2004, was
appointed as a para-teacher at Mandal Sriram
Vidyapith Bhatpara, District: North 24 Parganas.

The petitioner, while working as such,
participated in the 12th Regional Level Selection
Test, 2011 and was selected, in consequence
thereof, on December 12, 2013 he was appointed
as an Assistant Teacher of Fulia Sikshaniketan,
District-Nadia, his such appointment was
approved with effect from the date of his said
appointment, subsequently on attaining the age of
superannuation, he has retired from the said
service on August 31, 2022.

The grievance of the petitioner is that due to
shortfall of three months and ten days in his
qualifying service, he is unable to get the benefit of

pension, the petitioner is praying condonation of the said shortfall in qualifying service.

Mr. Dhole, learned Counsel for the State files instruction dated January 16, 2024 which he has received from the District Inspector of Schools (S.E) District Nadia, the respondent no. 3 herein, let it be kept with the record.

It appears from the said instruction that the said respondent has opined that the petitioner since has not completed minimum qualifying service of ten years, as such he is not entitled to the benefit of pension.

In terms of the paragraph 7(e)(iv) of the West Bengal Recognized Non-Government Educational Institution Employees (Death cum retirement Benefit) Scheme, 1981, the deficiency of up to six months in the qualifying service of an employee of non-Government/Sponsored/Aided Educational Institutions/Organizations is condonable.

This Court, therefore, condones the said period of three months and ten days shortfall in the qualifying service of the petitioner.

The pension sanctioning authority is directed to process the pension papers of the petitioner and to issue fresh Pension Payment Order expeditiously.

Mr. Biswas, learned Counsel for the petitioner submits that the right of the petitioner to get the

benefit of pension since gets matured by this order he is not pressing the prayer for interest for the delay in disbursement of his retiral benefits, at this stage but reserves his right to renew such prayer in the event the pensionary benefits are not released within a reasonable time.

W.P.A. 103 of 2024 is disposed of with the above terms without any order as to costs.

Since no affidavit has been invited, the allegations made in the writ petition are deemed not to have been admitted by the respondents.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)