

23.02.2024  
(D/L-25)  
Ct.-18  
(Susanta)

W.P.A. 3357 of 2024

Premnath Basak

Vs.

The State of West Bengal & Ors.

Mr. Biswarup Biswas,

Mr. Gorachand Samanta,

... For the petitioner.

Mr. Bimal Kumar Shahi,

Mr. Vijay Agarwal,

... For the State.

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

The petitioner, on March 08, 2006, was appointed as a para-teacher in Fulia Krittibas Smriti Vidyalaya (H.S.), District- Nadia.

The petitioner, while working as such, participated in the 12<sup>th</sup> Regional Level Selection Test, 2011 and was selected, in consequence thereof, on April 28, 2014 he was appointed as an Assistant Teacher of Harinrayanpur Janakalyan Vidyapith (H.S), District,-Nadia, his such appointment was approved with effect from the date of his said appointment, subsequently, on transfer, he joined Barajiakur PC High School and on attaining the age of superannuation has retired from the said service on January 31, 2024.

There is a shortfall of two months twenty six days in his qualifying service to get the benefit of

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

Mr. Agarwal, learned Counsel for the State files an instruction dated February 21, 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 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 upto 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 two months twenty six 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

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

W.P.A. 3357 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.)**