

ML 146
06.09.2024
Ct. No. 18
adeb

W.P.A. 6067 of 2023

**Sajal Kumar Khanra
Vs.
The State of West Bengal & Ors.**

Mr. S.P. Pahari
Mr. Tapan Kumar Mahapatra
...for the petitioner
Mr. Arindam Chattopadhyay
Ms. Lipika Chatterjee
..for the State

Affidavit-of-service filed on behalf of the petitioner
is taken on record.

Petitioner prays for condonation of shortfall in
qualifying service of 10 years as prescribed in Death-
cum-Retirement Benefit Scheme 1981 for receiving
pensionary benefits. Petitioner retired on superannuation
on 30th June, 2021 but till date pensionary benefits have
not been released in his favour since the authority found
that the tenure of the petitioner being an approved
teacher fell short of qualifying service of 10 years.
Petitioner was approved as an assistant teacher in
consideration of petitioner's past service as organizing
teacher with effect from 25th November, 2014 and retired
on 30th June, 2021. Therefore, continuous approved
service of the petitioner was less than 10 years. However,
it is submitted by the learned advocate representing the
petitioner that Court has passed several orders granting
relief to the retired teachers on condonation of shortfall
in qualifying service. It is also submitted that since

petitioner was previously working as an organising teacher the past service of the petitioner as organizing teacher may be reckoned while condoning the shortfall in qualifying service.

State-respondents are represented by learned advocate who has opposed the prayer of the petitioner since the approved service of the petitioner was below 10 years.

Having considered the respective submissions made on behalf of the parties writ petition stands disposed of thereby granting leave to the petitioner to make comprehensive representation to the Secretary, School Education Department being respondent no. 1 by fortnight from date. If such representation is made within the aforesaid time the respondent no. 1 shall take decision on entitlement of the petitioner to receive pensionary benefits by 8 (eight) weeks thereafter, after granting opportunity of hearing to the petitioner or his representative and a reasoned order shall be passed. The order to be passed by the respondent no. 1 shall be communicated to the petitioner by 1 (one) week thereafter.

At the time of deliberation petitioner shall be at leave to rely upon relevant orders and judgments passed by the Hon'ble High Court.

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.)