

24.04.2024
Court No.13
Item No.65
AP

WPA 8286 of 2024

**Swarnadhir Dhali
Vs.
The State of West Bengal and Ors**

Mr. Pradip Kumar Ghosh

... for the Petitioner.

Mr. Arindam Chattopadhyay

Ms. Lipika Chatterjee

... for the State.

1. The petitioner has been shortfall of 3 months and 16 days from the length of service of 10 years for pension. The petitioner was appointed on 18th February, 2012 and retired from service on 31st October, 2021.

2. The petitioner states that the recruitment process under which he was appointed was of the year 2006, which was initiated in the year 2009 and panel was finally prepared in the year 2012.

3. Counsel for the petitioner relies upon a decision of this Court dated 3rd April, 2024 in WPA 28761 of 2023 (Harisankar Mondal Vs. State of West Bengal and Ors.) where a shortfall of 11 days in the tenure of service was condoned.

4. Admittedly, DCRB Scheme permits the State to condone upto six months of shortfall of service.

5. In the aforesaid circumstances, this Court would have been normally require to remand the matter back to

the authorities to direct consideration of the petitioner's case for condonation.

6. However, in the facts of the case, it appears that the PPO has been issued to the petitioner by the DPPG on 10th February, 2022. In these circumstances, the shortfall of 3 months and 16 days in the petitioner's service is condoned by this Court.

7. A Division Bench of this Court has also allowed such condonation of delay in MAT 1917 of 2019 (The State of West Bengal Vs. Rabindra Nath Ghosh) dated 28th May, 2021.

8. Let regular PPO be issued to the petitioner after receiving due calculation from the DI(PE), South 24-Parganas.

9. The DI shall make the calculation within a period of three weeks from the date of receipt of a copy of this order along with the a copy of the writ petition.

10. The DPPG shall thereafter within a period of one month from the date of receipt of particulars from the DI, issue PPO and pay pension to the petitioner prospectively. The arrears of pension shall be payable to the petitioner within a period of three months thereafter without any interest.

11. With the aforesaid directions, the writ petition is disposed of.

12. There shall be no order as to costs.

13. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)