

MI- 12.11.2024
93 Ct.18
rkd

W.P.A. 17268 of 2023

Ashok Kumar Pain

-vs-

The State of West Bengal & Ors.

Mr. Sudip Ghosh Chowdhury,
Ms. Sreyetas Mitra

....for the petitioner.

Ms. Parna Roy Choudhury

....for the State.

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

Petitioner, *inter alia*, has prayed for condonation of shortfall in period of service as Assistant Teacher for which pensionary benefits were not allowed to him.

Petitioner was appointed as Assistant Teacher on 22nd November, 2013 and retired on supeannuation on 30th April, 2020. Therefore, the service tenure of the petitioner as Assistant Teacher fell short of qualifying approved service of ten years. However, it is submitted on behalf of the petitioner that he worked as para teacher from 19th October, 2004 to 21st November, 2013 and if this period is reckoned in that event shortfall in service period of the petitioner can be condoned and petitioner could be adjudged as an eligible candidate to receive pensionary benefits.

In support of such contention representation has been made on 6th March, 2023 to the concerned State respondents for taking necessary steps and prayer is made today directing the concerned State authorities to consider the same for sanctioning pensionary benefits.

State respondents are represented by learned advocate who has made submission for defending the stand taken by State authorities in other matters relating to condonation of shortfall in service in releasing pensionary benefits.

Having considered the submission made on behalf of the parties, the writ petition stands disposed of directing the Principal Secretary, School Education Department, being respondent no.1 to take decision on representation of the petitioner dated 6th March, 2023 by twelve weeks from the date of communication of this order after granting opportunity of hearing to the petitioner or his representative.

The respondent no.1 is directed to pass a reasoned decision and same shall be communicated to the petitioner by one week thereafter.

Petitioner shall be at liberty to rely upon the relevant orders of this Court before the

respondent no.1 at the time of hearing in support of the case made out for release of pensionary benefits.

There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the learned Advocates for the parties on the usual undertakings.

(Saugata Bhattacharyya, J.)