

22.05.2024.
Court No. 13
Item No. 17
ap

W.P.A. No. 18095 of 2023
Swapan Kumar Pandit
Versus
The State of West Bengal & Ors.

Ms. Sumitava Chakraborty.
...For the petitioner.

Mr. Arindam Chattopadhyay,
Ms. Lipika Chatterjee.
...For the State.

1. Affidavit-of-service filed in Court today be taken on record.
2. The petitioner was appointed as an Assistant Teacher on compassionate ground on 2nd September, 2015, pursuant to the order of the Commissioner of School Education dated March 20, 2014. The order itself is not annexed to the instant writ petition.
3. The said order of the CSE was challenged by the District Primary School Council, Howrah in W.P. No. 18521 (W) of 2014. By a judgment and order dated 17th July, 2015. The writ petition was dismissed. The petitioner was thereafter appointed on 2nd September, 2015. He has superannuated from service on 28th February, 2023.
4. The petitioner knew at the time of his joining that he would not be entitled to pension since he would superannuate before completion of ten years of service. The petitioner's service falls short of, two years six months ten days, to qualify for pension.

5. Since the petitioner has not challenged the order of appointment in the year 2015 and has accepted and acted upon the same, he is estopped from seeking condonation of short fall of two years six months and ten days post retirement.

6. In any event, the Death-cum-Retirement Benefit Scheme of the State do not permit condonation of more than six months in short fall of service for pension.

7. In those circumstances, no relief can be granted to the writ petitioner in this writ petition. The instant writ petition must fail and is hereby dismissed.

8. There will be no order as to costs.

9. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)