

07.08.2024

Sl. 58
Ct.No. 14
Amalranjan

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 19443 of 2024

Basudev Dwari

Vs.

The State of West Bengal and ors.

Ms. Sabita Khutia (Bhunya)

Mr. Krishna Pada Santra

...for the petitioner

Mr. Chandra Sekhar Bag

...for the State respondents

Affidavit of service filed by the petitioner is
taken on record.

The reasoned order dated 20th December,
2012 passed by the Directorate of Schools
Education, West Bengal refusing to condone the
shortfall of the qualifying service period of the
petitioner is impugned in the instant writ
petition.

The petitioner participated in the
recruitment process of primary school teacher in
the year 1986, but due to prolonged litigation
appointment letter was issued in favour of the
petitioner in the year 2003. The petitioner has
failed to serve for the qualifying period of ten
years to receive pension.

Whether an employee would be eligible to receive pension on condoning the shortfall in the qualifying service period if the delay in issuing appointment letter was not attributable to the employee has been decided by this Court vide judgment dated 05.08.2024 in WPA 10763 of 2023 (Bansi Badan Kole Vs. The State of West Bengal and ors.).

It has been held that the shortfall in the qualifying service period is liable to be condoned if the delay in issuing the appointment letter is not attributable to the employee.

In line with the said decision, the instant writ petition is disposed of by setting aside the impugned order dated 20th December, 2012.

The District Inspector of Schools, Howrah is, accordingly, directed to grant notional benefit to the petitioner by treating him to be in service for the qualifying period of ten years.

The District Inspector of Schools, (Primary Education), Howrah is directed to proceed processing with the pension file of the petitioner and ensure that the petitioner receives his pension at the earliest but positively within a period of four months from the date of communication of this order.

It is made clear that the petitioner will not be entitled to salary for the period which he did not work and will also not be entitled to any interest for the delayed payment of pension. He will only get the benefit of ten years in service.

The writ petition stands disposed of.

Urgent certified photo copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha,J.)