

08 04.09.2024
rkd Ct.18

W.P.A. 21450 of 2024

Dhanapati Ghosh

-vs-

The State of West Bengal & Ors.

Ms. Sabita Khutia (Bhunya),
Mr. Krishna Pada Santra,
Ms. Arpita Saha

....for the petitioner.

Mr. Sasilendra Nath Chakraborty,
Ms. Molly Saha

....for the State.

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

Petitioner by presenting this writ petition
has prayed for direction upon the concerned State
respondents to condone shortfall in qualifying
service of ten years for releasing pensionary
benefits.

Petitioner was approved as an Organising
Teacher with effect from 1st May, 2000 and retired
on 30th June, 2009 and service period of the
petitioner being an Organising Teacher fell short of
requisite ten years' qualifying service by ten
months. Petitioner prays for condonation of such
shortfall.

In support of the same petitioner relies
upon an order passed by this Court on 7th
November, 2022 on a writ petition being WPA 8319

of 2020 (Sri Kalipada Jana –vs- The State of West Bengal & Ors.).

The learned advocate representing the State respondents opposes the prayer of the petitioner since the petitioner retired on superannuation on 30th June, 2009 and the writ petition has been instituted on 22nd August, 2024, after 15 years.

Since prayer has been made by the petitioner to sanction pensionary benefits on condonation of shortfall in qualifying service it is not a case that due to delay occurred in approaching this Court third party right has been accrued.

Furthermore, cases relating to sanction of pensionary benefits need to be considered in a manner which is beneficial to the pensioners. Therefore this Court finds that the delay occurred in approaching this Court is not fatal.

Accordingly, the writ petition stands disposed of directing the Principal Secretary, Education Department, Government of West Bengal being respondent no.1 to decide the entitlement of the petitioner to receive pensionary benefits by passing a reasoned order within eight weeks from the date of communication of this order after granting opportunity of hearing to the petitioner.

The decision to be taken by the respondent no.1 shall be communicated to the petitioner by one week thereafter.

At the time of consideration of the matter by the respondent no.1 petitioner or his representative shall be at leave to rely upon the relevant orders passed by the Court on identical issue.

However, 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.)