

13.12.2024
Item No. 5
Ct. No.26
CHC

MAT 1761 of 2023
IA NO: CAN/3/2024

The State of West Bengal & Ors.
Vs.
Sri Sachidulal Dana & Ors.

Mr. Rajarshi Basu, Advocate
Mr. K. M. Hossain, Advocate
....for the appellants/State

Mr. Malay Bhattacharyya, Advocate
Mr. Subhrojyoti Ghosh, Advocate
....for the respondent no.1

Mr. Samiran Mandal, Advocate
Mr. Sasti Charan Dhara, Advocate
...for the respondent nos.2, 3, 4

1. CAN/3/2024 is an application for restoration.
2. Appellants contend that they were prevented by sufficient cause in responding when the matter was taken up for consideration on January 4, 2024.
3. Respondents are represented.
4. For the ends of justice, causes shown in the application for restoration are accepted as sufficient.
5. Order dated January 4, 2024 dismissing the appeal for default is recalled.
6. Appeal is restored to its original file and number.
7. CAN/3/2024 is disposed of.

8. Appeal is at the behest of the State is directed against an order dated June 22, 2023 passed in WPA 10896 of 2020.
9. By the impugned order, the learned Single Judge condoned the qualifying period of service for entitlement to pensionary benefits in respect of the writ petitioner and directed the State to disburse the pension including arrears pension to the writ petitioner.
10. Learned advocate appearing for the appellants submits that, the learned Single Judge erred in condoning the period of qualifying service. Admittedly, writ petitioner did not possess qualifying service. Period of service rendered as a temporary or casual worker of the Municipality cannot be taken into consideration for the purpose of calculating pensionary benefit of a permanent employee. Moreover, State is not liable to pay pensionary benefits.
11. Issues raised in the appeal require consideration.
12. In such circumstances, there will be stay of the impugned order dated June 22, 2023 till March 31, 2025 or until further order, whichever is earlier.
13. List the appeal in the **Combined Monthly List of January, 2025.**

14. Appellants will prepare informal paper-book incorporating all papers used before learned Single Judge.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)