

10.07.2024

WPA 17259 of 2009

Sayed Golam Kuddus & Ors.

Vs.

State of West Bengal & Ors.

Mr. Ashis Kumar Chowdhury

Mr. Rajib Ghosh

Mr. Babhru Bahan Bera

... ... for the petitioners

1. The petitioners participated in the recruitment process in the year 1993 after prolonged litigation. They were appointed as Assistant Teachers with the DPSC, Birbhum in the year 2003. The petitioners accepted and acted upon the letter of appointment without demur or challenge. They superannuated from service in the year 2009 with only about six years of service.
2. The writ petition has been filed in the year 2009 before retirement claiming that their appointment should be treated from the year 1993 and they should be given all terminal benefits like pension.
3. Admittedly, the petitioners fall about four years short of qualifying service of pension. The petitioners knew at the time of receipt of letter of appointment that their service would end in six years time. They chose not to challenge the same.
4. In those circumstances, the petitioners are estopped from raising any contention to the contrary in the

year 2009 immediately prior to superannuation.

Reliance is placed by learned counsel for the petitioners on an order dated 28th March, 2008 passed in WPA 24728 of 2005.

5. The said order is distinguishable on facts since the petitioner therein approached this Court for relief for the year 2005 within a period of two years of his appointment. Thus, the writ petitioners cannot rely upon the said judgment and the same is not applicable to the facts of the case.
6. WPA 17259 of 2009 fails and is hereby dismissed.
7. There will be no order as to costs.
8. 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.)