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25.11.2024
Ct. No. 18
adeb

W.P.A. 23524 of 2024

**Dhirendra Nath Halder
Vs.
The State of West Bengal & Ors.**

Mr. Partha Sarathi Bhattacharyya
Mr. Sudip Sarkar
Mr. Raju BHattacharyya
...for the Petitioner

Mr. Ranjan Saha
Mr. P.K. Bhattacharyya
...for the State

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

By presenting this writ petition, *inter alia*,
petitioner has prayed for condonation of shortfall in
qualifying service upon granting notional service benefits
to the petitioner with effect from 2002.

Mr. Partha Sarathi Bhattacharyya, learned senior
advocate representing the petitioner submits that on and
from 29th November, 2012 approval was accorded in
favour of the petitioner as Group-D staff. Petitioner
retired on superannuation on 31st January, 2019.
Therefore, approved service of the petitioner as Group-D
staff fell short off qualifying service of 10 years which
made the petitioner ineligible to receive pension.
Petitioner has prayed for condonation of shortfall in
qualifying service on reckoning service of the petitioner
with effect from 23rd August, 2002 when a coordinate

Bench passed order on a writ petition being WPA 9357 of 2002.

State-respondents are represented by learned advocate who has opposed the prayer of the petitioner based on the relevant provisions as contained in DCRB Scheme 1981. However, it has been submitted that since no formal decision has been taken by the concerned State-respondents relating to condonation of shortfall in qualifying service of the petitioner and a representation has been made by the petitioner on 11th July, 2024, same may be considered in accordance with law.

Having considered the submissions made on behalf of the parties, writ petition stands disposed of directing Principal Secretary, School Education Department, Government of West Bengal being respondent no. 1 to consider the representation of the petitioner dated 11th July, 2024 by 8 (eight) weeks from the date of communication of this order and pass a reasoned decision after granting opportunity of hearing to the petitioner or his representative. At the time of considering the claim of the petitioner to sanction pensionary benefits on condonation of shortfall in qualifying service the respondent no. 1 shall take into consideration whether on granting notional benefits only for the purpose of releasing pension service of the petitioner can be reckoned with effect from 23rd August, 2002 or not being the date of passing order on the writ

petition being WPA 9357 of 2002. Decision to be taken by the respondent no. 1 shall be communicated to the petitioner by 2 (two) weeks thereafter.

There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the learned Advocates for the parties on the usual undertakings.

(Saugata Bhattacharyya, J.)