

22.04.2024
Item No.15
Ct. No.238
S.A.

WPA 27361 of 2023

Asoke Kumar Maity
-vs-
The State of West Bengal & Ors.

Mr. Ranajit Chatterjee
Mr. Aniruddha Mitra
...for the petitioner
Mr. Tapas Kumar Adhikari
Mr. Rabindranath Pal
...for the State
Ms. Lina Majumder
...for the University

It is not in dispute that after his superannuation as a Senior Field Assistant attached to the Instructional farm, under Faculty of Agriculture, Bidhan Chandra Krishi Viswavidyalaya on March 31, 2020, the petitioner has been receiving pension from the State. The petitioner, however, submits that his other retiral dues like gratuity and leave salary have not yet been released. It appears that though the petitioner was initially appointed as Field Assistant, Grade-II under the “Comprehensive Scheme on Cost of Cultivation” in January, 1984, subsequently, he was transferred to the Regional Research Station, Kakdwip with the same designation.

In the said establishment, all posts were created by the State Government and made over to the university as constituent of the existing establishment

of Zonal Adaptive Research Stations of the State Agricultural Department, West Bengal.

The petitioner asserts that since his transfer on March 22, 1991, he has served under the university's regular establishment and received his salary from the State exchequer.

I am of the view that the petitioner was transferred to a post created by the State Government and subsequently made over to the Bidhan Chandra Krishi Viswavidyalaya. It cannot be said that the petitioner should be treated as a staff of the "Comprehensive Scheme on Cost cultivation" after serving about 29 years under the regular establishment of the university.

Accordingly, **WPA 27361 of 2023** is disposed of with a direction to the respondent nos.1 and 2 to release the gratuity and leave salary of the petitioner within a period of one month from the date of communication of the order.

(Kausik Chanda, J.)