

08.03.2024
Court No.13
Item No.227
AP

CPAN 1740 of 2023

In

WPA 450 of 2013

Archana Basu (Dhar)

Vs.

Siddhartha Majumder,

**Chairman West Bengal Central School Service
Commission and Ors.**

Mr. Kamalesh Bhattacharya
Mr. Ashim Kumar Halder

... For the Petitioner.

Mr. Biswabrata Basu Mallick
Mr. Biman Halder

... For the Contemnor No.2.

Mr. Asish Kumar Guha
Mr. Anirban Dutta

... For the Contemnor No.3.

1. Pursuant to an order dated 29th June, 2022 the writ petitioner was given additional marks and given employment. However, due to her advanced age, she had only six months of service left while joining.

2. Mr. Kamalesh Bhattacharya, learned advocate for the petitioner submits that his client is entitled to notional benefit of the length of service from 2012 i.e. date of appointment made under the RLST of the year 2011. He, therefore, submits that the respondents have committed contempt, since the notional benefit of service from 2012 has not been given to his client. Consequently, his client has been deprived of pension.

3. This Court is however of the view that the claim of pension and notional counting for the length of service

with effect from 2012 is an independent and separate cause of action, which the writ petitioner may agitate in accordance with law.

4. With the aforesaid observations, the contempt application shall stand disposed of.

5. The personal presence of the alleged contemnors, if any, is dispensed with.

6. Rule, if any, shall stand discharged.

7. There will be no order as to costs.

8. Interim orders, if any, shall stand vacated.

9. All parties are to act on a server copy of this order duly downloaded from the official website of this court.

(Rajasekhar Mantha, J.)