

14th May, 2025
(D/L No.28)
Ct. No.4
(SKB)

W.P.S.T.8 of 2024

Prasanta Bhattacharya
Versus
State of West Bengal and others

Mr. Anjan Bhattacharya,
Ms. Anita Shaw,
Ms. Salma Sultana
... for the petitioners.

Mr. Tapan Kumar Mukherjee, Id. AGP,
Mr. Somnath Naskar
... for the State.

1. The present writ petitioner who was the applicant before the State Administrative Tribunal (in short 'Tribunal') served the State government for a period of 19 years 7 months. His date of appointment was 02.05.1997 and retirement upon attaining the age of superannuation on 30.11.2016.
2. Under the Death-cum-Retirement Benefits Scheme, a qualifying service of 20 years is mandatory for being sanctioned and paid full pension.
3. It is not in dispute that the petitioner is short by five months in the requisite qualifying service. It is also not in dispute that by virtue of such shortfall, the petitioner is liable to proportionate reduction in the otherwise admissible full pension

and after accounting for such proportionate reduction, he is being paid the pension, which he is entitled. He, however, has claimed that since there is a shortfall of only five months, the shortfall be condoned and full pension be granted to the petitioner treating him as having completed the requisite qualifying service of 20 years.

4. The claim of the petitioner has been rejected by a reasoned and speaking order dated 09.07.2021 passed by the Additional District Magistrate and the D.L. & L.R.O., Paschim Medinipur. This order was put to challenge by the petitioner before the Tribunal. The Tribunal by its order dated 19.12.2023 has rejected the O.A. No.102 of 2022 filed by the petitioner. It is this order which is the subject matter of the present writ proceeding.
5. The learned counsel for the petitioner submits that the shortfall being negligible, the authorities, ought to have considered award of full pension of the petitioner. He, however, is not in-a-position to point out any provision in the DCRB Rules or any instructions issued thereunder based on which such condonation can be claimed.
6. In view of the admitted position that the due pension is being paid to the petitioner and there being no provision for condoning the five months

deficiency in qualifying service, requisite for grant of full pension, we find no infirmity in the order dated 09.07.2021 passed by the ADM and D.L. & D.L.R.O., Paschim Medinipur.

7. The order of the Tribunal impugned in the present proceedings rejecting the petitioner's claim, thus, requires no interference.
8. The writ petition is, accordingly, dismissed.

(Madhuresh Prasad, J.)

(Prasenjit Biswas, J.)