

11-12-2025
Item No.5
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
Appellate Side

WPA No.2935 of 2025

Subal Chandra Kundu

-vs-

The State of West Bengal & Ors.

Mr. D.K. Adhikari

Mr. Samir Kumar Adhikari ...for the petitioner

Ms. Nilanjana Banerjee Pal ...for the State

1. The petitioner retired on attaining the age of superannuation on January 31, 2010 after rendering total service of nine years and nine months. There is shortfall of three months to complete ten years of service for entitlement of pension.
2. Reliance has been placed on the memorandum of the School Education Department being No.26-SE(B)/1M-13/08 dated February 2, 2009 which stipulates that "fraction of a year equal to three months and above shall be treated as completed six monthly period of service and reckoned as qualifying service for determining retirement benefits and the period of service below three months will be ignored".
3. The petitioner submits that he will be covered by the aforesaid memorandum and his terminal benefits be disbursed forthwith.
4. Learned counsel for the State has obtained instruction from the Assistant Secretary, School Education Department dated March 5, 2025

wherein the authority has opined that in the facts and circumstances of the case, the shortfall of three months period of the petitioner may be condoned as per the existing Rules.

5. As the authority has already come to a considered opinion that the petitioner would be entitled to receive pension, accordingly, the instant writ petition is disposed of by directing the pension-sanctioning authority to take necessary steps to condone three months' shortfall in the qualifying service period of the petitioner and take necessary consequential steps for releasing the terminal dues of the petitioner.
6. Since the petitioner retired in January 2010, more than one and a half decades ago, accordingly, the authority shall take urgent necessary steps in the matter and ensure that the petitioner receives all his terminal dues at the earliest but positively within March 31, 2026.
7. As the legitimate dues will be disbursed to the petitioner long after his retirement, accordingly, the same shall be paid along with simple interest at the rate of 5% p.a. calculated on and from the due date till the date of actual payment.
8. The instruction filed by the learned advocate representing the State respondents and affidavit of service by the petitioner be taken on record.
9. All parties are to act on the server copy of this order duly downloaded from the official website of this Court.
10. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]

