

15.07.2025

Item No. 10

Crt.No,2

b.r.

WPA 5777 of 2025

Prankrishna Das & Anr.

-vs-

The State of West Bengal & Ors.

Mr. Ashim Kumar Banerjee

Mr. Monoranjana Jana

.... For the petitioners.

Mr. Dipanjan Datta

Mr. Sayan Datta

.... For the State.

Supplementary affidavit filed in Court today on behalf of the petitioners, is taken on record. Copy has been served upon the State.

Mr. Ashim Kumar Banerjee, learned advocate with Mr. Monoranjana Jana, learned advocate appear for the petitioners.

Mr. Dipanjan Datta, learned Senior Government advocate with Mr. Sayan Datta, learned advocate appear for the State.

The scope of the writ petition is very little.

Both the petitioners were engaged on contractual basis as **Member** of the **West Bengal National Volunteers Force (WBNVF)**.

The employment of the first petitioner was permanently de-mobilised on **January 4, 2008** and

of the second petitioner was on **October 19, 2007** upon attaining **sixty years of their age**.

Referring to a policy decision dated **September 15, 2008, annexure p-6 at page-41**, it is submitted that the cut-off date was fixed being **September 1, 2008** for granting one time **ex-gratia**.

Since the first petitioner was permanently demobilised about little more than **seven months** and second petitioner was permanently demobilized little more than **ten months** before the said cut-off date being **September 1, 2008**, they became ineligible to receive the said benefit of ex-gratia, according to the State.

The petitioners mercifully pray if the prayers of the petitioners for ex gratia can be considered by the authority sympathetically.

The petitioners shall serve a copy of this writ petition along with a copy of today's order upon the respondent no.2 forthwith.

The respondent no.2 then shall consider the prayers of the petitioners afresh sympathetically without being influenced by any previous decision, if taken already, by exercising their discretion judiciously.

However, it is made clear that this order **shall not create any right or equity** in favour of the petitioners.

It is made clear that, this Court has not expressed any opinion on the merits of the prayers made by the petitioners in the writ petition.

The decision shall be taken by the **respondent no.2** and shall be communicated to the petitioners positively within a period of **six weeks** from the date of communication of this order.

It is further made clear that, **this order** as well as the **decision of the authority** to be taken **shall not be treated as precedence.**

Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

With the above observations, this writ petition, **WPA 5777 of 2025** stands **disposed of**, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)