

S/L 2
28.11.2025
Court No.10
Swd

WPA 7124 of 2005
With
CAN 1 of 2025
CAN 2 of 2025

Shyamal Mondal
Vs.
State of West Bengal & Ors.

Mr. Arkadeepta Sengupta,
Ms. Amrita Maji,

... for the Petitioner.

1. None appears on behalf of the respondent.
2. The learned Counsel for the petitioner submits that already a copy has been served upon the State respondent.
3. Despite such service the State respondent remains unrepresented. Affidavit of service filed by the petitioner is kept on record.
4. The learned Counsel for the petitioner files two CAN applications CAN NO. 1 of 2025 and CAN No.2 of 2025 for restoration of the matter along with an application for condonation of delay. The matter was dismissed for default on 19th February, 2015, passed by the Justice Dr. Sambuddha Chakrabarti, as His Lordship then was.
5. The CAN No.1 of 2025 and CAN No.2 of 2025 being mercy petitions, for the interest of justice and propriety both the CAN applications are allowed and the writ petition is restored to

the original file and number and the interim order granted earlier also stands revived.

6. There is delay of 3973 days in filing the restoration application, sufficient cause for such delay has been explained in paragraph Nos. 7 to 12 of CAN No.1 of 2025 application and paragraphs 6 to 12 of CAN 2 of 2025.
7. The learned Counsel for the petitioner submits that the petitioner has been appointed and had rendered uninterrupted service as a Group -D staff in Doro Krishnanagar Bani Mandir.
8. The learned Counsel for the petitioner also submits that memo of approval of the appointment was issued to the petitioner with a notice of such appointment which shall abide by the result of W.P No.7124(W) of 2005.
9. The learned Counsel for the petitioner submits that since the petitioner is on the verge of superannuation, until and unless the writ petition is disposed of, the State respondent shall not confirm his service for making payments on account of the post retiral benefits.
10. From the record it appears that till today the respondents did not raise any objection and/or questioned the conduct and the integrity of the petitioner during his tenure of service.

11. After careful consideration of the case, I find that since the petitioner has rendered an uninterrupted service spending his valuable period of life by serving the institute, should not be deprived from enjoying the fruits of his legitimate claim. Deprivation of such entitlement of legitimate claims will be a threat to the life and liberty of the petitioner, since he shall be superannuated very shortly on 31st March, 2026.

12. In view of such, I direct the respondent authority to confirm the appointment of the petitioner forthwith which was not accorded, due to the pendency of the instant writ petition. The entitlement of the retiral benefits should also be processed along with the other consequential reliefs relating thereto since the date of superannuation is on 31st March, 2026.

13. With the above observation and directions, this writ petition is disposed of along with all other connected applications without any order as to costs.

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

(Smita Das De, J.)