

24.07.2025
Sl. No.34
Ct. No.42
ss

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

W.P.A. No. 9598 of 2025

Manik Chandra Mandal

Versus

The State of West Bengal & Ors.

Mr. Sourav Prasanna Mukherjee
... for the petitioner

Mr. Rudranil De
...for the State-respondents.

On the prayer of the learned Advocate for the petitioner, leave is granted to correct the address of the respondent no.1 in the cause title of the writ petition.

By the present writ petition, the petitioner seeks for a direction upon the respondent nos.1 and 2 to pass appropriate order in terms of order dated 21st January, 2025 passed in WPA 18075 of 2015.

This is second round of litigation.

In the earlier writ petition being WPA 18075 of 2015 filed by the petitioner a coordinate Bench of this Court by order dated 21st January, 2025 passed the following orders :

“11. Accordingly, the impugned order dated 23.06.2015 is set aside. The appropriate authority, being the respondents herein, are directed to consider the claim of the petitioner for pensionary benefit by treating the petitioner to be notionally appointed one year/or as required to cover the shortfall prior to the date of joining so as to enable the petitioner to get the benefit of pension.

*12. The respondents are directed to decide the claim of the petitioner by passing a reasoned order in the light of the observations contained in this order and also by giving an opportunity of hearing to the petitioner or his authorized representative **within a period of one month** from the date of this order.”*

The Director of Pension, Provident Fund and Group Insurance, Government of West Bengal, the respondent no.2, pursuant to order passed by this Court observed that the Secretary, Panchayat and Rural Development Department is the appropriate authority exclusively to decide and dispose of the case regarding condonation of shortfall of service.

Mr. Sourav Prasanna Mukherjee, learned Advocate for the petitioner submits that though respondent no.2 has observed that the Secretary, Panchayat and Rural Development Department was duly informed of the order passed by this Court, however, the Secretary, till date, has not considered and decided the issue regarding condonation of shortfall of service of the petitioner.

Mr. Rudranil De, learned Advocate representing the State-respondent submits that the shortfall of service of the petitioner is to be considered by the Secretary, Panchayat and Rural Development Department.

In view of the aforesaid submission, the writ petition being **WPA 9598 of 2025** is disposed of by directing the Secretary, Panchayat and Rural Development Department, respondent no.1 to decide and dispose of the case of the petitioner regarding condonation of shortfall of service in terms of order of this Court dated 21st January, 2025

passed in WPA 18075 of 2015, within a period of four weeks from the date of communication of this order after giving opportunity of hearing to the petitioner or his authorized representative.

Petitioner is directed to communicate this order along with the copy of the writ petition and its annexures to respondent no.1, Secretary, Panchayat and Rural Development Department, Government of West Bengal.

Interim order, if any, stands vacated.

All connected applications, if any, stand disposed of.

There shall be no order as to costs.

All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.

Urgent Photostat certified copy of the order, if applied for, be given to the parties on compliance of all necessary legal formalities.

(Bivas Pattanayak, J.)