

**Form No. J(2)**  
**Item No. ML / 91**  
*adeb*

**IN THE HIGH COURT AT CALCUTTA**  
Constitutional Writ Jurisdiction  
(Appellate Side)

**BEFORE: THE HON'BLE JUSTICE SAUGATA BHATTACHARYYA**

**W.P.A. NO 10589 of 2025**

**TAPAN JYOTI PAUL**  
**VS.**  
**WEST BENGAL GRAMIN BANK & OTHERS**

|                                    |                       |
|------------------------------------|-----------------------|
| For the Petitioner                 | : Mr. Indranath Mitra |
| For the respondent<br>Nos. 1 to 5. | : Mr. Baidurya Ghosal |
| Heard On                           | : 11.11.2025          |
| Judgment On                        | : 11.11.2025          |

**SAUGATA BHATTACHARYYA, J.:**

1. Affidavit of service filed on behalf of the petitioner is taken on record.
2. Petitioner was an employee of Bangiya Gramin Vikash Bank (hereinafter referred to as 'said Bank') who suffered an order of removal from service. Petitioner preferred departmental appeal questioning order of removal passed by the disciplinary authority of the said Bank

but the order of disciplinary authority in appeal remained unaltered. Subsequently, petitioner made application for pension/compassionate allowance which was spurned by the Chief Manager (HR) and Trustee (BGVB Emp. Pension Fund Trust) being respondent no. 4 by letter dated 4<sup>th</sup> December, 2024. Said letter dated 4<sup>th</sup> December, 2024 is questioned in this writ petition.

3. Learned advocate representing the petitioner relies upon Regulation 29 of Bangiya Gramin Vikash Bank (Employees') Pension Regulations, 2018 (hereinafter referred to as 'said Regulations of 2018') and Bangiya Gramin Vikash Bank (Employees') Pension (Amendment) Regulations 2024 (hereinafter referred to as 'said Regulations of 2024').
4. It is submitted albeit referring to Regulation 29 of said Regulations of 2018 prayer of the petitioner for sanction of pension/compassionate allowance was refused as concerned authority of said Bank did not find existence of 'special condition' as provided under Regulation 29(1)(i); according to the petitioner, no cogent reason is assigned while inferring that it is not a case of presence of 'special condition'.
5. It is further contended as per Regulation 29(1)(i) an employee who suffered order of dismissal or removal or termination after 'effective date' may apply for sanction of pension/compassionate allowance and 'effective date' needs to be construed as 1<sup>st</sup> November, 1993 in terms of Regulation 2 of the said Regulations of 2024. Prayer is made for setting aside of impugned letter dated 4<sup>th</sup> December, 2024 of the respondent

no. 4 and sanction of pension/compassionate allowance in terms of Rule 29 of the said Regulations of 2018.

6. Learned advocate representing said Bank on virtual mode submits in terms of said Regulations of 2024, 'effective date' is 1<sup>st</sup> November, 1993. However, it is submitted the expression 'special condition' used in Regulation 29(1)(i) is not defined in said Regulations of 2018. Therefore, it depends upon the decision of the concerned bank authority whether employee who suffered punishment of dismissal or removal or termination is entitled to receive pension/compassionate allowance or not. It is also contended as respondent no. 4 found order of removal was affirmed by the appellate authority, respondent no. 4 found it fit not to grant pension/compassionate allowance.
7. At first blush order dated 4<sup>th</sup> December, 2024 of the respondent no. 4 appears to be cryptic. In the event the connotation 'special condition' remains undefined in said Regulations of 2018, concerned authority of bank while deciding application for sanction of pension made by the employee who suffered removal or dismissal or termination is required to apply his mind and to pass reasoned order. Such applications ought not to be negated mechanically. It is not disclosed in the order of the respondent no. 4 that what are those cases where similar applications were allowed and benefit of Rule 29 was extended to the retired employees who are similarly circumstanced like the present petitioner.

8. In above conspectus, order dated 4<sup>th</sup> December, 2024 of the respondent no. 4 is set aside.
9. Respondent no. 4 is directed to revisit the issue by 6 (six) weeks from the date of communication of this order and pass a reasoned order which is to be communicated to the petitioner by 10 (ten) days thereafter.
10. It is open to the respondent no. 4 to hear the petitioner before passing order, if respondent no. 4 finds it necessary.
11. Writ petition stands disposed of.
12. However, there shall be no order as to costs.
13. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

**(Saugata Bhattacharyya, J.)**