

12th November, 2025
(D/L No.12)
Ct. No.4
(SKB)

W.P.S.T.136 of 2025

Jyotilal Hembram
Versus
The State of West Bengal and others

Mr. Surya Prasad Chattopadhyay,
Mr. Satya Ranjan Kundu,
Mr. Ashit Chatterjee
... for the petitioner.

Mr. Tapan Kumar Mukherjee, Id. AGP,
Mr. Somnath Naskar
... for the State.

1. Petitioner was the applicant before the West Bengal Administrative Tribunal (in short 'Tribunal') in O.A. No.398 of 2024. The Tribunal has dismissed the OA by its order dated 11.02.2025, which was put to challenge in the present writ petition.
2. Heard learned advocate for the petitioner and the learned AGP.
3. The learned advocate for the writ petitioner submitted that the Tribunal has erred in law inasmuch as it has made a misinterpretation as regards the discretion vested in the authorities for condonation of qualifying period of service for the purposes of grant of pensionary benefits in exercise of power under Rule 36 of the West Bengal Services (Death-cum-retirement Benefit)

Rules, 1971 (hereinafter referred to as the 'Rules, 1971').

4. Having made such submission, he submits that the petitioner had an option of seeking a relaxation in the present case by invoking Rule 4 of the Rules, 1971. He seeks liberty to take steps in accordance with law to invoke the Rule 4 of the Rules, 1971 for condonation in the present case. At the same time, it is submitted that in view of nature of the order passed by the Tribunal that if the petitioner invokes Rule 4 of the Rules, 1971, this court should direct that the order of the Tribunal may not stand in the way of consideration of such claim of the petitioner.
5. The learned AGP submits that since no application has been filed for invoking Rule 4 of the Rules, 1971, there is no question of any such consideration by the Tribunal.
6. Considering the rival submissions, in view of the liberty as sought by the learned counsel for the petitioner, we find pendency of the present writ petition will serve no useful purpose.
7. Accordingly, the writ petition is disposed of with liberty to the petitioner to invoke Rule 4 of the Rules, 1971 in accordance with law. It is made clear that since the condonation under the said Rule was neither raised before the Tribunal nor considered by Tribunal, the order of the

Tribunal dated 11.02.2025 passed in O.A. No.398, shall not stand in the way of consideration of the application.

(Madhuresh Prasad, J.)

(Prasenjit Biswas, J.)