

S/L. 74.
March 17, 2025.
KAUSHIK.

WPA No. 20470 of 2024

**Subal Chandra Sardar
Vs.
State of West Bengal and Others**

Mr. Samiran Mandal
Mr. Abhinaba Dan
Ms. Sreemoyee Datta

... for the petitioner.

Mr. Swapan Kr. Dutta, Senior Advocate
Mr. Dipankar Dasgupta

... for the respondent no. 4.

Learned counsel appearing on behalf of the petitioner submits that on 21st July, 2001 the petitioner joined the Dhrubachand Haldar College, South 24-Parganas at the post of Laboratory Attendant as per resolution taken by the governing body of the College. Pursuant to an order passed by this Court, he was empanelled for the post of Laboratory Attendant. On 14th May, 2014, pursuant to the selection process being completed, as per resolution of the Managing Committee, the petitioner was appointed as Laboratory Attendant in Microbiology. On 22nd May, 2014, the petitioner joined the post of Laboratory Attendant in the Department of Microbiology and the same was accepted by the Principal of the College. On 30th April, 2020, after attaining completion of 60 years,

the petitioner was retired from service. The petitioner's pension case was forwarded by the Director of Public Instruction, NGC Pension Section to the Senior Accounts Officer and the Senior Accounts Officer returned the pension file to resubmit the same. Apparently, pension is not being granted because the petitioner's service tenure did not cover ten years as required. However, considering continuity since 2001, he would be entitled to pension. In WP 14476(W) of 2009, the petitioner had never pleaded in the body of the writ petition that unless a direction for giving appointment was given from prior date, he would not be able to get pensionary benefit.

Learned counsel appearing on behalf of State denies the allegations and submits as follows. The petitioner had earlier approached this Court in WP 14476(W) of 2009 seeking certain reliefs. On 14th May, 2014, learned counsel for the petitioner clearly submitted that unless a direction for giving appointment was given from a prior date, the petitioner would not be able to get pensionary benefits. After having heard the parties and considering the submissions, the Court held that the appointment letter would be issued giving effect of the appointment on and from 6th May, 2014. This order has not been challenged by the petitioner.

The petitioner cannot seek review of this order passed in 2014 now in an application that was filed in 2024.

It appears from a plain reading of the order dated 14th May, 2014 passed in WP 14476(W) of 2009 that it was a prime contention of the petitioner that unless a direction of giving appointment was given from a prior date, he would not be able to get pensionary benefits. Even after considering such submissions and hearing the parties, the matter was disposed of on merits by directing that the appointment letter would be issued giving effect of appointment on and from 6th May, 2014 and this order was not challenged by the petitioner.

In view of this order passed by this Coordinate Bench of this Court earlier, this Court ought not give effect of the appointment letter to any prior date for the purpose of grant of pensionary benefits.

In view of the above, the writ petition is dismissed, however, without any order as to costs.

Urgent Xerox website copy of this order be given to the parties expeditiously, if applied for, on usual undertakings.

(Jay Sengupta, J.)