

07.11.2025
Sl. No.24
Ct. No.7
ss

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

W.P.A. No. 20354 of 2025

**Sova Biswas
Versus
The State of West Bengal & Ors.**

Mrs. Sabita Khutia (Bhunya)

...for the Petitioner.

Mr. Subhajit Roy

Ms. Susmita Dey Basu

...for the State.

1. Affidavit of service filed on behalf of the petitioner is taken on record.
2. By the present writ petition the petitioner seeks for condonation of shortfall of 1 year 11 months 4 days in qualifying service for grant of pension and for disbursement of arrears pension and family pension.
3. The petitioner contends that the husband of the petitioner was appointed as census worker in the year 1990 by Director of Census and he discharged his function from 18th August, 1990 to 18th September, 1990. Pursuant to the appointment letter issued by the Chairman, North 24 Parganas District Primary School Council, the petitioner's husband joined as Assistant Teacher in Bazrapota Free Primary School, Post-Hasnabad under

Hasnabad Circle and he retired from service on 30th November, 2012. The pension was not granted in favour of the husband of the petitioner since there is a shortfall of 1 years 11 days 4 months. The petitioner seeks for condonation of such shortfall for grant to family pension in her favour.

4. Mrs. Sabita Khutia (Bhunya), learned Advocate for the petitioner submits that there was laches on the part of the respondent authorities in appointing the petitioner's husband within time which has resulted in shortfall. She seeks for appropriate direction upon the respondent authorities to condone such shortfall of service and consider qualifying service of 10 years notionally for grant of family pension in favour of the petitioner together with arrears of pension.
5. On the contrary, Ms. Susmita Dey Basu, learned Advocate for the State submits that no case has been made out in the writ petition regarding the grounds for condonation of shortfall. The husband of the petitioner during his lifetime did not approach the authority concerned by way of any written representation with a prayer for condonation of shortfall in service. Further the employee did not raise any objection before authority concerned or this Hon'ble Court of negligence and/or laches on the part of the respondent authorities in appointing the petitioner's

husband within time. Therefore, the entire case made out in the writ petition is baseless. She seeks for dismissal of the writ petition.

6. Upon going through the pleadings made in the writ petition it is found that the husband of the petitioner, the employee, did not make any representation before the authority concerned seeking for condonation of shortfall in service. There are also no petition filed before the Court or authority alleging of negligence and/or laches on the part of the respondent authorities in appointing the employee within time. Such being the position, this Court finds that no case has been made out to condone the shortfall of 1 years 11 months 4 days. Hence, the writ petition falls short of merit.
7. Accordingly, the writ petition being **WPA 20354 of 2025** stands dismissed.
8. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.
9. Interim order, if any, stands vacated.
10. All connected applications, if any, stand disposed of.
11. There shall be no order as to costs.
12. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.

13. 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.)