

Item no.40
12.08.2025
Saswata

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

WPA 852 of 2025

**Abhinav Misra
-versus
The State of West Bengal & Ors.**

Mr. Jagriti Mishra
Ms. Ananya Bhattacharya
Ms. Mrinmayee Das

...For the Petitioner

Mr. Subir Kumar Sahal AGP
Mr. Momenur Rahman

...For the State.

1. The instant writ petition has been filed, inter alia, praying for a direction upon the respondents for disbursal of pensionary benefits due and payable to the grandfather of the petitioner, Ram Bharosa Misra (hereinafter referred to as the “deceased teacher”), who according to the petitioner died on 7th December 1995. The present writ petition has been filed on 10th April 2025.

2. Records would reveal that the deceased was appointed and worked as Assistant Teacher at the Mathabhanga High School with effect from 22nd February 1954. He had since retired from service on 1st March 1990. From the records it would transpire that the deceased teacher was enjoying provisional gratuity of Rs.36,000/- and provisional pension of Rs.33,600/- for a period

of 24 months, i.e., from March 1990 to February 1992. The said deceased teacher had died on 7th December 1995.

3. The petitioner has come forward to claim pension for the period for which his grandfather, the deceased teacher was alive.

4. Having heard the learned advocates appearing for the respective parties and noting from the records that a Pension Payment Order was duly issued in favour of the deceased teacher and during his lifetime there being no further claim and the instant writ petition having been filed more than 30 years after his death, I am of the view that a stale claim cannot be resurrected by filing a writ petition.

5. The writ petition is accordingly dismissed without any order as to costs.

6. All parties shall act on the basis of the server copy of this order duly downloaded from this Court's official website.

(Raja Basu Chowdhury, J.)