

06.01.2025
Item No.7
Court No.01
S.Bag(AR(CR))

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

MAT/111/2024

**SWAPNA ROY
VS
THE STATE OF WEST BENGAL AND ORS**

Mrs. Sabita Khutia,
.....for the appellant

The grievance of the appellant is directed against an order dated 1st October, 2024 dismissing the writ petition.

Briefly, the appellant is the widow of an employee of the Gram Panchayat. The deceased employee had been in service since 31st January, 2017 and died on 10th June, 2021. Even post retirement, the deceased employee did not make any demand before the respondent authorities. Thereafter, for the first time in or about June, 2021, the appellant had made a claim with a prayer to condone the shortfall in the qualifying service period of her deceased husband in order to be entitled for the above benefits. In this background, the appellant had filed the present writ petition.

By the impugned order the Learned Judge has dismissed the writ petition on the ground that the deceased employee was ineligible to

receive any pension and had not completed the qualifying service period of 10 years. Thereafter, even post retirement, the employee remained silent. It was only after a belated period of four years since retirement did the appellant file this writ petition seeking condonation of the shortfall in the service period.

There is no ground whatsoever to interfere with the impugned order. The impugned order is a reasoned order and has been passed after consideration of all the facts and circumstances of the case. In fact, the Learned Judge has justifiably held that the deceased employee never qualified for pension on the ground that the pre-qualification of having served for ten years had not been complied with. In such circumstances, the prayer for condonation of shortfall of the period of six years is unwarranted and without basis. There is no merit in the petition.

In view of the above, MAT/111/2024 stands dismissed. However, there shall be no order as to costs.

(RAVI KRISHAN KAPUR, J.)

(UDAY KUMAR, J.)