

23 **20.02.
2026**

Ct. No. 24

Ab

WPA 2708 of 2026

Ajoy Kar and others

Vs.

The State of West Bengal and others.

**Mr. Sakti Pada Jana,
Mr. Subhajyoti Das,
Ms. Ankita Biswas.**

... for the petitioners.

**Mr. Sadhan Kumar Halder,
Mr. Prashant Kumar Tripathi.**

... for the State.

1. The petitioners are aggrieved that they are not getting their pension and/or revision of pension since their respective dates of retirement. The petitioners can be segregated into three distinct categories. The first category is of those persons who are not getting any pension at all. This comprises of petitioners 1, 2 and 3. The second category are those who are getting pension under the Memo No. 471/MEE/Sectt/Estt EM/O/Estt/1'O'-15/2020 dated September 16, 2020 and are seeking revision thereof being the petitioners 4, 5 and 6. The third category, which constitutes only of the petitioner 7, is seeking the death gratuity on expiry of his brother, who was an erstwhile employee.
2. The petitioners 1 to 6 are the employees in the Ramkrishna Mission Ashrama, Narendrapur, a Government sponsored Institution.

3. Though the petitioners are seeking pension and revision thereof under the Government Memo No. 536-F(Pen) dated October 1, 2019, the same may not be permissible at present, in view of the fact that the concerned department of the Government of West Bengal is considering whether to bring petitioners and the persons similarly situated, as the petitioners within the ambit of ROPA Rules, 2019. In absence of a specific Government Order bringing the people like the petitioners within the ambit of ROPA-2019, grant of pension to the petitioners in terms of the Memorandum of October 1, 2019 is not permissible.
4. However, the petitioners cannot be left without any pension as they have admittedly completed their tenure of service. In fact, the petitioners 3, 4 and 5 being duly qualified have already received pension and are receiving pension in terms of Memo dated September 16, 2020 issued by the Department of Mass Education Extension and Library Services.
5. The petitioners 1, 2 and 3 are identically situate, as the petitioners 4, 5 and 6. Thus, even if the petitioners 1, 2 and 3 are not entitled to pension under ROPA, 2019, they are certainly entitled to pension under Memo of September 16, 2020.
6. Since the petitioners 4, 5 and 6 are drawing pension under the afore-stated Memo dated September 16, 2020, there is absolutely no ground nor any reason

not to afford revision of pension of such persons under the Memo of September 16, 2020, to that extent only.

7. In view of the afore-stated and in view of the report filed by the respondent no. 3, which is kept on record, I direct the respondent no. 3 to sanction the Pension Payment Order in respect of petitioners 1, 2 and 3 and to consider the revision of pension of petitioners 4, 5 and 6 in line with the Memo dated September 16, 2020. I also direct the respondent no. 3 to consider the case of Death Gratuity payable to the petitioner no. 7, in line with the afore-stated Memo dated September 16, 2020.
8. Upon such consideration, I direct the respondent 5 to issue Pension Payment Order to the petitioners 1, 2, and 3 and the revised Pension Payment Order in respect of petitioners 4, 5 and 6.
9. The respondent 5 is also directed to issue necessary orders to enable the death gratuity of the brother of the petitioner no. 7 to be paid to him.
10. I also direct that the entire process to be completed by March 31, 2026 to enable the petitioners, all of whom are retired persons, to avail of the pensionary benefits at the earliest.
11. With the afore-stated direction, the writ petition is disposed of.
12. There shall, however, be no order as to costs.

13. Urgent Photostat certified copy of this order, if applied for, be given to the parties on priority basis.

(Reetobroto Kumar Mitra, J.)