

20th March, 2026
Item no.M/L 94
Court No. 18
Pradip, A.R.(Ct.)

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

Case No. **WPA 4595 of 2026**

In the matter of :
Sanat Kumar Puley *.... Petitioner*
VS.
The State of West Bengal & Ors. *....Respondents*

For the Petitioner:
Mr. Shamim-Ul-Bari
Ms. Asmita Mitra *....Advocates*

For the State:
Mr. Sadhan Kr. Halder
Mr. Dipankar Ghosh *....Advocates*

1. Affidavit of service filed in Court today is taken on record.
2. Leave granted to the advocate on record of the petitioner to implead the Secretary, Irrigation and Waterways Directorate as party respondent in the instant writ petition.
3. Let a copy of the writ petition be served upon the aforesaid respondent at the time of communicating the order of the Court.
4. The petitioner was serving in the Irrigation and Waterways Department, Government of West Bengal. The recruitment process through which he was appointed was initiated in the year 2007 and the same stood finalized in the year 2014. Due to delay in finalization of the recruitment process, the petitioner was unable to complete the qualifying pensionable service period of ten years.

5. He applied before the authority seeking condonation of the shortfall of one month and six days in his pensionable qualifying service period. The same is pending consideration before the authority.
6. Learned advocate relies upon Rule 36 of the DCRB Rules under which the condonation is permissible in law.
7. Prayer has been made to direct the respondents to condone the shortfall in his qualifying service period.
8. It has been submitted that the petitioner is no way responsible for the delay in conclusion of the selection process. Had the selection process been completed within a reasonable period of time, the shortfall of one month and six days in his qualifying service period would not have been there.
9. Reliance has been placed on the order passed by the Secretary, Public Work Department condoning the deficiency of three months and ten days in the minimum qualifying service period in respect of a similarly situated employee wherein the authority complied the direction passed by the Hon'ble Division Bench of this Court on 2nd December, 2024 in WPST 20 of 2024 (Tapan Kumar Mondal Vs. The State of West Bengal & Ors.) and the order dated 9th April, 2025 passed by the Hon'ble Supreme Court in rejecting the Special Leave Petition preferred against the order passed in the matter of Tapan Kumar Mondal (supra).
10. Upon hearing the submissions made on behalf of both the parties and on perusal of the materials placed before this Court, it appears that there is a provision for condoning the shortfall in the pensionable qualifying service period in terms of Rule 36 of the West Bengal Service (Death-cum-Retirement Benefits) Rules, 1971.

11. Accordingly, the instant writ petition is disposed of by directing the Secretary, Irrigation and Waterways Directorate to consider the petitioner's prayer seeking condonation of the shortfall in his pensionable qualifying service period in accordance with the relevant Rules and in line with the decision passed in the matter of Tapan Kumar Mondal (*supra*) at the earliest but positively within a period of twelve weeks from the date of communication of this order.
12. A reasoned order shall be passed and communicated to the petitioner.
13. If the prayer of the petitioner is allowed, then consequential steps for sanction and release of pension shall be taken by the authority without any further delay.
14. Let a fresh representation addressed to the Secretary, Irrigation and Waterways Directorate be forwarded at the time of communicating this order.
15. The writ petition stands disposed of.
16. Parties to act on the basis of the server copy of this order duly downloaded from the official *website* of this Court.
17. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)