

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 10863 of 2025

Chittaranjan Pradhan
Versus
The State of West Bengal & Ors.

Mr. S. P. Pahari
... For the petitioner.

Mr. Nilanjan Adhikari
Ms. Oindrila Sinha
For the municipality .

1. Report on behalf of the municipality filed in Court is taken on record.
2. As would appear from the records the primary grievance of the petitioner is that the Pension Payment Order (PPO) issued in his favour has not been appropriately prepared. According to the petitioner, the petitioner is entitled to the benefit of service with effect from 1st May, 1980, since he had been working temporarily and continuously with the municipality from 1st May, 1980 till the date of his superannuation.
3. According to the learned advocate for the petitioner having regard to the rule 4 of the West Bengal Municipal (Employee's Death-cum-Retirement Benefits) Rules, 2003 (hereinafter referred to as the "said Rules), the qualifying service for pension includes continuous, temporary or officiating service of a whole time employee.
4. Having regard thereto and noting the submissions made by the municipality and the report filed in Court

today since it appears that the petitioner had initially joined the service of the municipality on 1st May, 1980 and has since continued with the municipality as a temporary staff until 1st March, 2000 when he was made permanent against a sanctioned post duly approved by the Director of Local Bodies, I am of the view that the aforesaid period cannot be discounted while computing the period for qualifying service within the meaning of Rule 4 of the said Rules. To morefully appreciate the aforesaid rule 4, the same is extracted herein below:-

4. Qualifying service for pension shall be as follows:-

(i) Continuous temporary or officiating service of a whole time employee will count as qualifying service. The period of service rendered before attaining the age of 18 years will not qualify.

(ii) All period of authorized leave including extraordinary leave without pay granted on medical ground and for civil commotion, prosecuting higher scientific or technical studies shall count as qualifying service.

(iii) Period of suspension followed by reinstatement shall count as qualifying service provided it is treated as duty.

(iv) The period of break in service will not count as qualifying service. Only the period of service rendered, preceding the break, is counted as

qualifying service for pension, if reinstated on appeal or revision.

(v) The period of break in service between the date of dismissal or removal and the date of reinstatement shall not count as qualifying service unless the period is treated as duty or leave by a specific order of the Authority which passed the order of reinstatement.

(vi) Resignation tendered or dismissal or removal entails forfeiture of past service, and no pension shall be admissible.

(vii) Qualifying service for pension shall be counted up to the age of superannuation or the date preceding the date of voluntary retirement;

Provided that the period of re-employment or re-appointment, after attainment of the age of superannuation, shall not be considered as qualifying service”.

5. Having regard to the above it is clear that the above period ought to have been considered.

6. Accordingly, the respondents especially the respondent no.5 is directed to consider the petitioner's case having regard to the disclosure made by the municipality in Court today as regards the petitioner's joining the municipality on 1st May, 1980 and continuing with them temporarily till 1st March, 2000 when he was confirmed.

7. A decision in this regard must be taken by the respondent no.5 as expeditiously as possible, preferably within a period of six weeks from the date of communication of this order and the same must be intimated to the petitioner by passing a reasoned order. All consequences shall follow.

8. With the above observations and directions, the writ petition is disposed of.

Urgent photostat certified copy of this order, if applied for be given to the parties upon compliance with the requisite formalities.

(Raja Basu Chowdhury, J.)