

WPA 12521 of 2026

Ganesh Chandra Sadhukhan
Vs.
The State of W. B. & Ors.

Mr. Anjan Bhattacharya
Ms. Anita Shaw ...for the petitioner.

Mr. D. N. Ray
Mr. Madhu Jana
Ms. Puja Sonkar ...for the State.

Affidavit of service filed by the petitioner is taken on record.

The petitioner was recommended for employment by the Employment Exchange and was appointed as Sahayak at Nawapara Masunda Gram Panchayat under Ranaghat-I Block on and from 2nd January, 2012 having post facto approval from 7th July, 2009. He retired on 31st January, 2026.

The prescribed age for the said service was 37 years and the petitioner was 40 years 5 months and 11 days old at the time of his appointment. The petitioner submitted an application before the Block Development Officer, Kaliganj Development Block on 9th April, 2025 seeking condonation of his over age which was forwarded by the Block Development Officer to the District Panchayat and Rural Development Officer, Nadia by a letter issued on 13th October, 2025. The Block Development Officer also

recommended the application filed by the petitioner and requested the Joint Director of Employment, District Employment Exchange to take necessary steps to provide authentic information regarding exchange call letter in respect of the petitioner. The issue is still pending before the Secretary, Department of Panchayat and Rural Development, being the 1st respondent herein. Learned counsel for the petitioner takes this Court to an order of the District Magistrate, Nadia and Executive Magistrate, Nadia Zilla Parishad issued on 30th June, 2006 appointing the petitioner and one Mina Das as Sahayak of the concerned Gram Panchayat. Mina Das was also over age by 4 years 8 months and 21 days and her age was requested to be condoned by the District Panchayat and Rural Development Officer, Nadia. The petitioner is similarly circumstanced and seeks liberty to submit an application before the 1st respondent herein seeking condonation of his over age.

Learned counsel placed reliance on an order passed by a co-ordinate Bench of this Court on 18th August, 2021 in WPO 437 of 2021 wherein the learned Bench has dealt with a similar situation as in the present application and has observed as hereunder:

“It is not in dispute that the petitioner worked from 2002 until his date of retirement on superannuation, that is, May 31, 2021. All these years no question was raised with regard to the petitioner being over-aged at the time of entry to the service. Pension and gratuity are not given to the employee as a bounty or as a charity, by the employer. Pension is an entitlement of an employee

who has discharged his duties diligently and with honour and respect. It is a reward. There is nothing on record to show that the service of the petitioner was deficient in any way. The petitioner did serve throughout his life. The authorities have utilized his service for more than 18 years 7 months. At the time of considering the disbursement of the retirement benefits, the employer/ the government machinery took a stand that the amounts could not be released as the petitioner was over-age at the time of entry to the service.

Be that as it may, the authority who can condone the over-age of the petitioner at the time of entry to the service, is the Commissioner, Government of West Bengal, Department of Panchayat and Rural Development. This Court is of the opinion that the writ petition should be disposed of with a direction upon the Commissioner Department Panchayat and Rural Development, Government of West Bengal, to take immediate steps with regard to the letter of the District Panchayat and Rural Development Officer, North 24 Parganas dated March 25, 2021, requesting the authority to condone the over age of the petitioner at the time of his entry to the service. From the said recommendation it appears that the only impediment towards non-payment of pension and other benefits to the petitioner is the fact that at the time of appointment the petitioner was over age. When the name of the petitioner, was sponsored by the Employment Exchange, he was 39 years 2 months, but by the time the process was completed and the petitioner was given the appointment, the petitioner had crossed 41 years.

The Commissioner, Department of Panchayat and Rural Department is directed to give a hearing and pass a reasoned order. The order shall be communicated by the concerned authority. It is expected that the matter shall be viewed with the concern, seriousness and sensitivity it deserves as in this case the petitioner cannot be faulted. At the time of appointment his age was either overlooked or impliedly condoned. The Block Development Officer, Baduria and the Pradhan of Asharul Gram Panchayat shall also be called at the hearing. The entire exercise shall be completed within a period of four weeks from the date of communication of this order. The writ petition is disposed of.”

The petitioner appears to be similarly circumstanced with the petitioner in the earlier writ petition which has been disposed of.

In view of the above, liberty is granted to submit a comprehensive application before the 1st respondent seeking condonation of over age within one week from date. The 1st respondent is directed to consider and dispose of the same within four weeks from the date of receipt thereof upon granting reasonable opportunity of hearing to all concerned including the petitioner and the Block Development Officer, in accordance with law.

The 1st respondent shall consider the observation made by this Court in this order as well as in WPO 437 of 2021 in considering the request of the petitioner.

The decision taken by the authority shall be communicated to the parties within a week thereof.

In the event the 1st respondent arrives at a decision in favour of the petitioner, necessary consequential steps be taken at the earliest.

The writ petition is disposed of.

There shall, however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the writ petition are deemed not to have been admitted.

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

(Suvra Ghosh, J.)