

13. 24.02.2026.
Court No.03.
(Pritam)

WPA 12223 of 2025.

Barun Kumar Paul.

-Vs.-

State of West Bengal & Ors.

Mr. Firdous Samim,
Ms. Gopa Biswas,
Mr. Hasanuz Jaman Molla,
Mr. Asik Mandal,
Ms. Hena Sardar,
Ms. Salini Bhattacharyya.

.....for the petitioner.

Mr. Asish Kumar Guha,
Mr. Rajendra Chaturvedi.

.....for the State respondents.

Mr. U. Ray,
Mr. Ashutosh Pal.

....for the municipality.

1. The present writ petition has been filed, *inter alia*, praying for a direction upon the respondents to release the pensionary benefits to the petitioner with effect from 31st January, 2025 for the continuous temporary service rendered by the petitioner in Bolpur Municipality.
2. The petitioner had joined the municipality as a daily rated employee in the municipality on 1st May, 1995. The petitioner later participated in the selection process for being appointed as a clerk. He was successful and was appointed in the pre-approved post of Mazdoor vide

appointment later dated 24th February, 2016 and joined on 1st March, 2016.

3. In the instant case, vide a meeting held by the Board of Councillors of the municipality on 18th July, 2016, it was held that period of continuous post service of work be treated and/or calculated for qualifying service pension. The petitioner's name along with six other employees features in such Resolution.
4. Record would, however, reveal that in the Service Book of the petitioner that the petitioner was appointed to the post of Mazdoor through direct recruitment in the scale of pay of Rs.4900/- - Rs.16,200/- dated 24th February, 2016 vide the Office Memo dated 27th February, 2016. Initially, there appears to be an entry in the service rendered by the petitioner from 1st May, 1995 to 1st March, 2016 is treated as qualifying service for completion of pension and gratuity.
5. Although the learned advocate for the State would submit that the petitioner having rendered less than 10 years of service and having joined the post only on 1st March, 2016 is not entitled to the pensionary benefits, I, however, find from the Service Book that the service of the petitioner is from 1st May, 1995 to 1st March, 2016 are treated as "qualified service" and is accountable for pension and would be counted/computed for pension gratuity and other retiral benefits vide Board Resolution having item 5 on

July 18, 2016. This aspect was not considered by the Director of Local Bodies in the communication dated 11th April, 2025.

6. Accordingly, I remand this matter to the Director of Local Bodies, who shall decide on all the above aspects by passing a reasoned order. The decision in this regard shall be taken within a period of six weeks from the date of communication of this order. If on the basis of such decision any benefit is accruable to the petitioner, the same shall be disbursed and all consequences shall follow.
7. As such, the decision taken by the Director of Local Bodies dated 11th April, 2025, which does not seek to consider the above stands set aside.
8. With the above observations and directions, the writ petition stands disposed of.

(Raja Basu Chowdhury, J.)