

16. 24.02.2026.
Court No.03.
(Pritam)

WPA 12233 of 2025.

Subhasish Banerjee.

-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. Raja Ram Banerjee.

.....for the State.

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, 2024 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 26th October, 1992. 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 clerk vide appointment later dated 19th February, 2015 and joined on 20th February, 2015.

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 temporary service of the petitioner shall 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 it has been recorded that the petitioner was appointed to the post of Clerk through direct recruitment in the scale of pay of Rs.5400/- - Rs.25,200/- dated 18th February, 2015 vide the Office Memo dated 19th February, 2015. Incidentally, there appears to be an entry in the service book that the services rendered by the petitioner from 1st May, 1995 to 19th February, 2015 is to be treated as qualifying service for computation 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 20th February, 2015 is not entitled to the pensionary benefits, I, however, find from the Service Book that the service period of the petitioner from 1st May, 1995 to 19th February, 2015 is to be treated as "qualified service" and is accountable for pension and would be computed for pension, gratuity and other retiral

benefits vide Board Resolution having item 3 on July 8, 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.)