

W.P.S.T. 116 of 2026

**Satiprasad Bandyopadhyay
Vs.
The State of West Bengal & Ors.**

Mr. Surajit Samanta, Sr. Adv.,
Ms. Sohini Samanta,
Mr. Roop Shankar Roy,
Mr. Subhasis Maity

...for the Petitioner

Ms. Chandreyi Alam, Id. A.G.P.,
Ms. Kakali Dutta

...the State

1. Heard the learned senior advocate for the writ petitioner and the learned A.G.P.
2. The writ petitioner is an applicant in O.A. No. 734 of 2022, wherein he has put to challenge an order of punishment passed by the disciplinary authority directing for reduction of his pay in the pay band by five stages for a period of three years. The order of punishment is dated 16.03.2022, and the effect of the order was, therefore, only till 2025.
3. The petitioner has, in the meantime, retired with effect from 31.01.2026. Prior to his retirement, he was called upon to submit his pension papers by retirement notice dated 22.07.2025. The papers having submitted, his claim for grant of pension was forwarded to the office of the Accountant General which has returned the papers by a communication dated 13.01.2026, raising certain objections.

4. The learned senior advocate appearing for the writ petitioner submits that the petitioner is deprived of pension. He submits that had the West Bengal Administrative Tribunal ('Tribunal' for short) been functional, the petitioner could have raised an issue by way of a Miscellaneous Application (M.A.). Since, the Tribunal is non-functional since September, 2025, he is left remediless in the Original Application and therefore, invokes the jurisdiction of this Court under Article 226 of the Constitution of India based on a combined reading of the two Judgements of the Hon'ble Supreme Court of India in the case of ***L. Chandra Kumar Vs. Union of India & Ors.*** reported in (1997) 3 SCC 261 and ***Roger Mathew Vs. South Indian Bank Ltd. & Ors.*** reported in (2020) 6 SCC 1.
5. We have considered the submissions and the documents on record.
6. We find that the Accountant General's office has returned the petitioner's pension papers on 13.01.2026. The return of pension papers is because the papers are not in order, and not due to the punishment order, validity of which is pending consideration in O.A. No. 734 of 2022. The alleged deprivation of pension based on the communication dated 13.01.2026, therefore, is a subsequent and distinct cause of action, since the punishment did not direct for withholding of

pension. The letter dated 13.01.2026, therefore gives a fresh cause of action to the writ petitioner, which he is entitled to assail before an appropriate forum.

7. Insofar as the submission of the learned Senior Advocate that the remedy before the Tribunal was not available to the petitioner, the same is undeniable since the Tribunal has been non-functional since September, 2025.
8. Under the circumstance, the petitioner cannot be left remediless as per decision of the Apex Court in the case of ***Roger Mathew*** (*supra*) relied upon by the learned Senior Advocate.
9. In the present case, we find that the petitioner had remedy before the writ Court (Single Judge Bench) dealing with the service matters determination.
10. The petitioner may avail remedy in accordance with law, in respect of the self-same relief.
11. With such liberty, we dispose of the present Writ Petition.

(Madhuresh Prasad, J.)

(Biswaroop Chowdhury, J.)