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06.02.2026
Ct No.11
rrc

MAT 1140 of 2025
with
IA No. CAN 1 of 2025
and
IA No. CAN 2 of 2025
(The State of West Bengal & Ors. Vs. Sankar
Pradhan & Anr.)

Mr. Swapan Kumar Datta, Govt. Pldr.
Mr. Dipankar Dasgupta

... For the appellants

Mr. Kamal Mishra
Mr. Pratap Sanfui

**..... For the writ petitioner/
respondent no. 1**

As we have invited the parties to argue on merits of the matter, the delay in filing the appeal is condoned and the application for condonation of delay being, IA No. CAN 1 of 2025 is disposed of.

The present appeal has been preferred by the State and its functionaries challenging the order dated 31st July, 2024 passed in the writ petition being WPA 5601 of 2024.

Records reveal that the writ petitioner/respondent no. 1 herein, namely, Sankar Pradhan (in short, Sankar) earlier preferred a writ petition challenging the inaction on the part of the State authorities to consider his prayer for condonation of deficiency in qualifying service and to grant him pension under the provisions of the West Bengal Recognized Non-Government Educational Institutions Employees (Death-cum-Retirement Benefit)

Scheme, 1981 (hereinafter referred to as the said pension scheme). The said writ petition was disposed of by an order dated 15th June, 2023 relegating the dispute for consideration to the appellant no. 3. Pursuant to such direction, the appellant no. 3 passed an order dated 8th August, 2023 refusing Sankar's claim. Aggrieved thereby, Sankar preferred the writ petition and the order passed in the same has been impugned in the present appeal.

Mr. Datta, learned Government Pleader appearing for the appellants submits that the delay which had occurred towards appointment of Sankar is not totally attributable to the State authorities. The burden of delay due to pending litigations cannot be entirely shifted upon the State authorities. Such argument, as urged, was glossed over by the learned single Judge and no finding was returned on the same. Such infirmity warrants interference in appeal.

He further argues that the pension scheme *inter alia* provides for condonation of a period of six months of deficiency in qualifying service and as the delay exceeded the said period, the learned single Judge ought to have refused to exercise discretion in favour of Sankar moreso when no jurisdiction has been conferred upon appellant no.3 to condone such deficiency.

Mr. Mishra, learned advocate appearing for Sankar denies the contention of Mr. Datta and submits that the

issue involved in the present writ petition is no longer *res integra* and has already been decided in judgments delivered by coordinate Benches of this Court wherein it has been held that the benefits of the pension scheme cannot be scuttled by limiting the period of condonation inasmuch as such restriction would lead to discrimination and a beneficent scheme would be thrown out of gear in the event, a restrictive meaning is applied and benefits are not extended. A teacher claiming pension cannot be made to suffer for the delay on the part of the State authorities towards grant of appointment.

We have heard the learned advocates appearing for the respective parties and considered the materials on record.

The argument on behalf of the State authorities that the delay towards grant of appointment was not attributable to the State had been rightly discounted by the learned single Judge in view of the observations of the appellant no.3 in paragraph 8 of the order dated 8th August, 2023 detailing the reasons towards the delay in issuance of the letter of appointment. It appears that the dispute pertaining to validity of training qualification due to the unclear stand of the State authorities prompted several court cases and Sankar had no role to play and in view thereof, the learned single Judge, in

our opinion, rightly exercised discretion in favour of Sankar.

Taking note of the fact that similar issues have been decided by different coordinate Benches of this Court, the learned single Judge rightly interfered with the order impugned in the writ petition and directed the appellants to process Sankar's pension case by condoning the shortfall in service.

The learned single Judge upon dealing with the factual issues rightly arrived at specific findings and we do not find any error in the same.

Accordingly, the appeal and the connected application being IA No. CAN 2 of 2025 are dismissed.

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

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Partha Sarathi Chatterjee, J.) (Tapabrata Chakraborty, J.)