

April 7, 2026
(31) ARDR

WPA 17595 of 2025

Sakti Pada Mahata
Vs.
The State of West Bengal & ors.

Adv. Rama Halder,
Adv. Eshita Mandal,

...for the petitioner.

Adv. Sharmila Dutta Das,

...for the State.

On prayer of the petitioner, liberty is granted to correct the address of the 9th respondent in the cause title of the application.

Affidavit of service filed by the petitioner and the report submitted by the State are taken on record.

The petitioner was appointed as Collecting Sarkar in Salbani Gram Panchayat on 17th November, 1988. A notification was issued by the Department of Panchayat and Rural Development, Government of West Bengal on 7th January, 2011 for recruitment to the post of Gram Panchayat Karmee and other posts. The relevant criteria for such recruitment were as follows:

- (i) The required length of service would be more than six years as on 1st January, 2012;
- (ii) The candidates would be of age not more than forty five years and not less than eighteen years as on 1st January of the year of recruitment. There was a provision for relaxation of age limit for direct recruitment for the scheduled caste and scheduled

tribes and other backward classes, exempted category, physically handicapped persons and ex servicemen in terms of the rules and orders issued by the State Government from time to time. Considering such criteria, the petitioner was appointed to the post of Gram Panchayat Karmee on 7th May, 2013. He superannuated on 31st May, 2024. His retiral benefits have been withheld by the authority on the ground that his age condonation was not done by the authority. The petitioner seeks release of his retiral benefits.

It appears from the report submitted by the State that the petitioner was forty seven years and six months as on 1st January, 2012 though the upper age limit for appointment to the post of Gram Panchayat Karmee from Collecting Sarkar was forty five years. No age relaxation being provided for the candidates under the reserved categories, the file pertaining to the retiral benefits of the petitioner could not be submitted.

It is not in dispute that the petitioner satisfied the criteria of length of service when his appointment to the post of Gram Panchayat Karmee was considered. It is a fact that the upper age limit for the said post is forty five years in terms of the notification. However, the notification includes a clause for relaxation of such upper age limit for the scheduled caste and scheduled tribe and OBC

candidates. The petitioner admittedly belongs to the other backward class. He was appointed to the post of Gram Panchayat Karmee upon consideration of his age and service length in terms of the notification dated 7th January, 2011. Therefore it can be inferred that his over age as on 1st January, 2012 was considered and condoned at the time of appointing him to the said post. Issuance of appointment letter in favour of the petitioner for the post of Gram Panchayat Karmee in terms of the notification is deemed to be condonation of his over age. The petitioner has worked in the said post till his superannuation on 31st May, 2024. There was no fault on the part of the petitioner or no suppression of material fact by him for being considered for the said post and as such, the petitioner should not be made to suffer for the same. Since he was appointed by the authority upon acceptance of his overage by condoning the same, the authority cannot take a U turn after his superannuation and withhold his retiral benefits on the said ground.

In view of the above, the Block Development Officer, Jhargram, being the 4th respondent herein, is directed to release all retiral benefits of the petitioner along with arrear including issuance of Pension Payment Order within six weeks from the date of communication of this order.

The writ petition is accordingly disposed of.

There shall however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the 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.)