20.11.2026
rc/ct.no.15
Item No.18

WPA No. 21589 of 2025
Mahammad Ali Gazi
Versus
The State of West Bengal & Ors.

Adv. Sabita Khutia (Bhunya) ..for the petitioner

Adv. Sundar Gopal Bhattacharyya ….for the State

Affidavit of service filed by the petitioner is taken on record.

The petitioner has assailed the order passed by the Additional Secretary, Department of Panchayat and Rural Development, Government of West Bengal on 10th May, 2024 turning down the prayer of the petitioner for disbursement of minimum pension on the ground that the husband of the petitioner has not completed 10 years of service and does not qualify for the pension.

He applied for appointment to the post of Gram Sevak in the year 1986 and was selected for the said post. However, the appointment letter was issued in his favour in 2007. In the meantime, the post of Gram Sevak was abolished and was replaced by the post of Panchayat Secretary. He superannuated on 31st October, 2013 after serving for 5 years 8 months and 05 days.

Since he failed to complete the qualifying service period of 10 years for receiving pension, pension has not

been paid to him. He has prayed for condonation of the said short fall and grant of pension in his favour.

Similar issue has been decided by this Court in earlier judgments wherein this Court has held that the petitioner was in no way responsible for the delay in issuance of the appointment letter. Had the appointment letter been issued in 1986, he would have served for a period longer than that required for grant of pension.

This Court directed the concerned authority to proceed by processing the pension file of the petitioner therein and ensure that the petitioner received his pension at the earliest. It was made clear that the petitioner would not be entitled to salary for the period for which he did not work and would also not be entitled to any interest for the delayed payment of pension. He would only get the benefit of 10 years in service.

The order passed in WPA 2193 of 2024 by a co-ordinate Bench of this Court on 1st October, 2024 was assailed before an Hon'ble Division Bench of this Court.

By an order passed on 10th April, 2025, in MAT 10 of 2025 the Hon'ble Division Bench affirmed the order of the learned Single Bench and held that the State which professes to be a welfare State, should take a reasonable stand in the interest of the citizen.

The petitioner herein is similarly circumstanced with the petitioners whose claims have been considered and allowed earlier. He deserves the similar benefit.

In view of the above, the writ petition is allowed.

The Block Development Officer, Patashpur I Development Block, being the 8th respondent herein, is directed to process the pension file of the petitioner and send the same to the Director of Pension, Provident Fund and Group Insurance, Government of West Bengal, being the 6th respondent herein, within four months from date. On receipt of the same, the 6th respondent is directed to issue Pension Payment Order in favour of the petitioner within one month thereof with effect from the date following the date of superannuation of the employee.

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

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