

D/L
Item No. 13
04.02.2026
KOLE
265704

WPA 29376 of 2025

Ramapada Das
-Vs.-
The State of West Bengal & Ors.

Mr. Sobhan Majumdar,
Ms. Kalpita Paul,

...for the petitioner.

Mr. Suddhadev Adak,

...for the State.

Mr. Nilanjan Adhikari,

...for the respondent no. 6.

1. Issue involved in this writ petition could not be examined on previous occasion as it was not decided at that point of time whether a writ petition is maintainable before the High Court, that too, before the Single Bench, when Administrative Tribunal is not functioning or Benches of Administrative Tribunal are not available.

2. This Court vide judgment dated 13.01.2026 passed in a writ petition being WPA 27327 of 2025 (**Md. Masidul Islam-vs.-The State of West Bengal & Ors.**) decided that when the Benches of the West Bengal Administrative Tribunal are not available, writ petition before the Single Bench of High Court is maintainable. Hence, the present writ petition is taken up for consideration.

3. Learned Advocate representing the petitioner submits that petitioner functioned as member of National Volunteer Force from 11th June, 1984 to 17th August, 2008 and, thereafter, on being selected he joined as Constable on 18th August, 2008 under Bengal Police and retired on

superannuation on 31st December, 2014. The petitioner prays for sanction of pensionary benefits reckoning his past service as member of National Volunteer Force prior to joining in the post of Constable under Bengal Police since period of service rendered by the petitioner as Constable fell short of requisite qualifying service of ten years.

4. Issue was twice considered by the West Bengal Administrative Tribunal and two consecutive orders were passed on 27th August, 2021 and 27th November, 2024, thereby disposing of two separate original applications. By those two orders dated 27th August, 2021 and 27th November, 2024, the Tribunal directed the concerned State respondents to decide the issue. Vide order dated 27th November, 2024, the Principal Secretary, Department of Home and Hill Affairs, Government of West Bengal was directed to pass order in terms of the previous order dated 27th August, 2021, passed by the Tribunal within a specified time.

5. It is contended on behalf of the petitioner that till date no decision is taken by the Principal Secretary, Home and Hill Affairs Department, being the respondent no. 1 in spite of repeated orders passed by the Tribunal.

6. Mr. Adak, learned State Advocate, submits that orders passed by the Tribunal need to be complied with. Prayer is made to grant time in order to enable the respondent no. 1 to take necessary decision.

7. The Principal Secretary, Home and Hill Affairs Department, Government of West Bengal, being the respondent no. 1 is directed to decide the entitlement of the

petitioner to receive pensionary benefits in view of superannuation of the petitioner on 31st December, 2014 by four weeks from the date of communication of this order after affording opportunity of hearing to the petitioner or his representative. The respondent no. 1 shall pass a reasoned order taking note of the observations made by the Tribunal in two separate orders dated 27th August, 2021 and 27th November, 2024. The decision to be taken by the respondent no. 1 shall be communicated to the petitioner by a fortnight thereafter.

8. The writ petition being No. WPA 29376 of 2025 stands disposed of.

9. Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Saugata Bhattacharyya, J.)