

**W.P.S.T. 271 of 2025**

**Kamal Saha  
Vs.  
The State of West Bengal & Ors.**

Mr. Siddhartha Pratim Datta,  
Mr. Partha Sarathi Das,  
Mr. Rhitam Chatterjee

...for the Petitioner

Mr. Tapan Kumar Mukherjee, Id. A.G.P.,  
Mr. Somnath Naskar

...for the State Respondents

1. The present Writ Petition has been preferred since the West Bengal Administrative Tribunal ('Tribunal' for short) is non-functional for want of any member in the Tribunal. Under the circumstance, the writ petitioner has approached this Court.
2. We have, thus, proceeded to consider the matter.
3. Heard the learned counsel for the petitioner and the learned counsel for the respondents.
4. It is the case of the applicant/writ petitioner that he joined as a Sub-Assistant Engineer (Civil) in the West Bengal Subordinate Service of Engineers (Civil) under the Public Works Department. Upon completion of the minimum qualifying service for grant of minimum pension, he claims to have submitted a resignation, sometime in the year 2012. The date is not relevant today, in view of the nature of order, we propose to pass.

5. According to the Original Application, the petitioner's resignation was accepted by the authority. He was, however, directed to join his duty immediately, hand over the charge of his posting, so that the process of his release could be initiated. Communication in this respect is dated 07.03.2014, issued by the Executive Engineer of National Highway Division No.1. Thereafter, the petitioner has never complied with this letter. However, he has been writing representations, one after the other, claiming the retiral benefits of his service rendered prior to his resignation, treating him as having resigned from service.
6. The learned A.G.P. submits that there is no order showing that the petitioner ever complied with the requirements of the communication dated 07.03.2014. There is no severance of the petitioner, founded on a resignation apparent from the records. Why the petitioner has not complied with the letter dated 07.03.2014, is also not evident from the pleadings on record. It is only if the petitioner had complied with the letter dated 07.03.2014, that the authorities could have proceeded to take a decision for initiating his release from service, based on assessment of his service records etc.
7. Considering the rival submissions and upon going through the records, we are of the view that the

respondents are required to take a decision in this regard.

8. The learned counsel for the writ petitioner has not pointed out any material on record to show that the writ petitioner/applicant ever complied with the requirements of letter dated 07.03.2014. He has, for more than last one decade, been writing letters claiming retiral benefits for past service treating him as having resigned from service, but without complying with the letter dated 07.03.2014.
9. Be that as it may, the authorities were required to take a decision on the repeated plea made by the petitioner, the last being dated 09.12.2024, addressed to the Chief Engineer, National Highway, respondent No.3.
10. Let the respondent no.3 take a final decision on the petitioner's plea under due intimation to the petitioner by a reasoned and speaking order within 08 (eight) weeks from the date of receipt/production of a copy of this order.
11. The order is being passed without inviting any affidavit-in-opposition or exchange of pleadings. We, therefore, make it clear that the present order may not be treated as an expression of this Court's opinion on the merits of the claim to be decided by the authority, in accordance with law.
12. The Writ Petition stands disposed of.

13. In view of disposal of the present writ petition, nothing survives in the Original Application bearing O.A. No. 628 of 2025, pending before the Tribunal. The same is also accordingly disposed of.
14. There will be no order as to costs.
15. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

**(Madhuresh Prasad, J.)**

**(Prasenjit Biswas, J.)**