

In The High Court at Calcutta
In The Circuit Bench at Jalpaiguri
Appellate Side

Ct. No. 5 **02.03.2026**
JPD
Item No. 15 SM

WPA 298 of 2026
Dilip Kumar Subba
Versus
The State of West Bengal & Ors.

Mr. Debajit Kundu
.....for the petitioner
Mr. Momenur Rahman
Ms. Kanika Saha Sarkar
.....for the State

1. Affidavit-of-service filed be kept with the record.
2. The writ application has been preferred praying for direction upon the respondent nos. 2 to 6 to grant and disburse pension in favour of the petitioner after condoning the shortfall period of service of the petitioner and to act in accordance with law.
3. Learned counsel for the petitioner relies upon the order of a Co-ordinate Bench of this Court passed in WPA 20651 of 2024 dated 20.08.2024 in support of his case.
4. Learned counsel for the State submits that he has instruction that the State intends to appeal against the said order.
5. Considering the submissions, admittedly no appeal has been preferred till date.

6. Accordingly, the writ application is disposed of with the direction that admittedly the petitioner herein on qualifying in the written examination held on 17.02.2002 appeared for an interview vide a interview letter dated 28.01.2002 but the appointment by the respondents was given to the petitioner only on 18.02.2013 after almost more than 10 years.

7. The petitioner since then joined his service and has now prayed for condonation of the short fall in the period of qualifying service in granting and disbursing pension as per DCRB Scheme, 1981.

8. It is submitted that the petitioner requires 10 years qualifying service for such benefit and he has rendered 5 years 11 months 27 days of service and retired on 31.05.2019 on superannuation.

9. Accordingly, relying upon the order of the Co-ordinate Bench this Court is of the view that the said issue has been decided by this Court vide judgment dated 05.08.2024 in WPA 10763 of 2023 (Bansi Badan Kole Vs. The State of West Bengal and ors.). It has been held that the shortfall in the qualifying service period is liable to be condoned if the delay in issuing the appointment letter is not

attributable to the employee. In line with the said decision, the instant writ petition is disposed of by directing the respondent no. 2 to 6 to grant notional benefit to the petitioner by treating him to be in service for the qualifying period of ten years.

10. The District Inspector of Schools, (Primary Education), Darjeeling is directed to proceed processing with the pension file of the petitioner and ensure that the petitioner receives his pension at the earliest but positively within a period of four months from the date of communication of this order. It is made clear that the petitioner will not be entitled to salary for the period which he did not work and will also not be entitled to any interest for the delayed payment of pension. He will only get the benefit of ten years in service.

11. **The writ petition stands disposed of.**

12. Photostat certified copy of this order, if applied for, be given to the parties on priority basis upon compliance of all formalities.

[Shampa Dutt (Paul). J]