

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

Present:

The Hon'ble Justice Debangsu Basak

And

The Hon'ble Justice Chaitali Chatterjee(Das)

WPST 12 of 2025

Smt. Malati Roy @ Malati Roy Poddar

Vs.

The State of West Bengal & Ors.

For the petitioner : Mr. Debajit Kundu.

For the State : Mr. Nabankur Paul

Heard & Judgment on : January 06, 2026

DEBANGSU BASAK, J.:-

1. Writ petition is directed against order dated February 19, 2025 passed in O.A. 68 of 2024 by the West Bengal Administrative Tribunal.
2. By the impugned order, the Tribunal was pleased to reject the Original Application of the writ petitioner. The Tribunal, by the impugned order, refused grant of pensionary benefit to the writ petitioner the ground of the petitioner lacking qualifying period of service to receive pensionary benefits.

3. Learned counsel, appearing for the petitioner, submits that the petitioner was initially engaged as a contractual employee on August 19, 1994 in the West Bengal Cooperative Milk Producers' Federation Limited. He refers to the letter of joining of the writ petitioner and submits that, since the writ petitioner joined the Animal Resources Development Department, the period of service of the petitioner from August 19, 1994 till the date of superannuation of the writ petitioner should be taken into consideration for the purpose of qualifying the service of the writ petitioner to receive pensionary benefits under the Death Cum Retirement Benefit Rules.
4. Learned counsel, appearing for the writ petitioner, relies upon **2014 (3) CHN (CAL) 608 (Nemai Ch. Chatterjee Vs. State of West Bengal)** for the proposition that, the earlier period of service, should be taken into consideration for the purpose of calculating the period of qualifying service under the Death Cum Retirement Benefit Rules.
5. Learned counsel, appearing for the respondents, submits that, the writ petitioner was initially appointed with a different legal entity and that too on contractual basis and, therefore, the period of such appointment cannot be considered for the purpose of calculating the qualifying service under the Death Cum Retirement Benefits Rules.
6. Materials on record establish that, petitioner was engaged on contractual basis by the West Bengal Cooperative Milk Producers' Federation Limited. The writ petitioner, thereafter, participated in a

selection process and subsequently appointed by the department of Animal Resources of the State of West Bengal.

7. West Bengal Cooperative Milk Producers' Federation Limited, is a separate and different legal entity than the Animal Resources Department of the State of West Bengal. The period of service of the writ petitioner, therefore, with the West Bengal Cooperative Milk Producers' Federation Limited cannot be taken into consideration for the purpose of calculating the qualifying service of the writ petitioner to receive the pensionary benefit under the Death Cum Retirement Benefit Rules.
8. In ***Nemai Ch. Chatterjee (supra)***, the employee concerned was regularized in the post at which he was initially appointed. In such factual matrix, the benefit of the past service was granted to such employee. As noted above, the factual matrix in the present case is wholly different.
9. In such situation, we find no merit in the writ petition.
10. WPST 12 of 2025 is dismissed without any order as to costs.

(Debangsu Basak, J.)

11. I agree.

[Chaitali Chatterjee(Das), J]