(2019) 12 CAL CK 0046

Calcutta High Court

Case No: Writ Petitions (WP) No. 197 Of 2019

Samir Chatterjee		APPELLANT
	Vs	
West Bengal Pollution Control Board & Ors		RESPONDENT

Date of Decision: Dec. 12, 2019

Hon'ble Judges: Amrita Sinha, J

Bench: Single Bench

Advocate: Anjan Bhattacharya, Chama Mookherji, Ayan Banerjee, N. C. Bihani, Papiya Banerjee Bihani

Final Decision: Dismissed

Judgement

Amrita Sinha,J

The petitioner is aggrieved by the order dated 14th December, 2018 passed by the Director, Pension, Provident Fund and Group Insurances whereby

the prayer of the petitioner for getting retiral benefits for the services rendered by him from 1986 to 1996 has been rejected.

The petitioner was employed with the West Bengal Pollution Control Board hereinafter referred to as â€œthe Boardâ€. He was initially appointed on

29th March, 1986 as Technician. The petitioner was a master roll employee at the time of initial appointment. The service of the petitioner was

regularised and he was brought under the regular pay on and from 29th March, 1996.

The petitioner claims that he is entitled to receive his retiral benefits by taking into account the period of service which he rendered as a master roll

employee, that is, the petitioner prays for treating his entire service period from 29th March, 1986 till his date of superannuation on 31st January, 2010 to be taken into consideration for the purpose of calculation of his retiral dues.

According to the Board the petitioner is liable to get his retiral benefits by taking into calculation the period of service from 1996 onwards, that is, the

period which the petitioner served as a master roll employee for the period 29th March, 1986 to 28th March, 1996 cannot be taken into consideration

for the purpose of computing his retiral dues.

The petitioner has relied upon the memoranda no. 5428-F dated 19th December, 1966 and 4026-F dated 22nd April, 1994 issued by the Audit Branch,

Finance Department of the Government of West Bengal, that all temporary, work charged staff with minimum of three years of continuous service

are eligible to be declared as quasi permanent staff.

The petitioner further relies upon the memo no. 6871-F dated 1st July, 1994 issued by the Audit Branch, Finance Department wherein it has been

indicated that the period of service rendered in the work charge establishment counts for pension and other retirement benefits.

The petitioner submits that as he served as the master roll employee for nearly ten years his past service is liable to be considered for computing his

retiral dues.

The petitioner has drawn the attention of the Court to the 140th Board Meeting wherein the Board resolved that the service period before absorption

in the regular cadre for computation/calculation of only superannuation benefits like pension, gratuity and leave encashment etc. may be submitted

before the Board for approval.

The respondents have annexed the copy of the order of the Board dated 3rd November, 2011 wherein a decision was taken that the master

roll/contractual period of service will not be taken into account for calculation of the length of service with regular establishment.

From the submission on behalf of the parties it appears that it is only the work charged employees who were entitled to get the benefit of the past

service rendered by them and not the employees whose names appeared in the master roll.

The name of the petitioner admittedly appeared in the master roll of the employer and accordingly the respondent authority rightly took the decision of not extending the benefit of his previous years in service for calculation of his retiral dues.

There is no apparent infirmity in the order impugned. The writ petition does not call for any interference.

W.P. No. 197 of 2019 stands dismissed.

Urgent certified photo copy of this judgment, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.