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2026

Ct. No. 18

Ab

WPA 6791 of 2026

**Tapan Jyoti Paul
Vs.**

West Bengal Gramin Bank and others.

Mr. Indranath Mitra.

... For the petitioner.

**Mr. Baidurya Ghosal,
Mr. Sourav Mukherjee,
Mr. Saikat Chatterjee.**

... For the respondents.

1. The petitioner is aggrieved that the compensatory allowance payable to him under the Bangiya Gramin Vikash Bank Notification of October 31, 2018, has not been paid to him.
2. The facts are on a short conspectus. The petitioner had been engaged as an employee in the Bangiya Gramin Vikash Bank (in short 'said Bank'), for an extensive period from 1982, till he was discharged from service in 2014, months before his superannuation.
3. The disciplinary proceedings were initiated against him and he was found guilty of charge that he had been engaged in sanctioning a loan without the requisite paper work, namely, adhering, accepting collaterals for sanctioning such loan. The disciplinary proceedings were decided against the petitioner, which was carried in appeal before the statutory appellate authority. The appellate authority also

decided against the petitioner and upheld the order of removal sometime in 2014.

4. The petitioner some time thereafter came within the ambit of a notification of October 31, 2018 whereby and whereunder Clause 29 permitted the employees such as the petitioner to seek a compassionate allowance in lieu of their pension.
5. The parameters under Regulation 29 are twofold. First, that he had to be discharged/removed/dismissed from service after the notification came into effect and second, if the case was deserving of any special consideration.
6. Pursuant to the application made by the petitioner, the concerned authority had rejected his claim for compassionate allowance by its order dated December 4, 2024. This order was passed by the Chief Manager and the Trustee of the Banks' Pension Fund Trust. This order was challenged by the petitioner in this Hon'ble Court by way of a writ petition being WPA 10589 of 2025.
7. The afore-stated writ petition was disposed of on November 11, 2025 directing the concerned authority, the respondent no. 4 therein, to revisit the issue within a stipulated time and to pass a reasoned order, as the order impugned therein was cryptic and did not assign any reason for refusal of the compassionate allowance to the petitioner.

8. Pursuant to the order of November 11, 2025 passed by this Hon'ble Court, the Chief Manager (HR), purporting to be one of the Trustees of the Board of Trustees of the Employees Pension Fund of the Bank, communicated that the petitioner did not fall within the realm of special circumstance and was not entitled to any compassionate allowance, thereby rejecting his claim on second occasion. It is this order of refusal dated January 22, 2026 that has been assailed in the present writ petition.
9. The impugned order seems to have bettered itself than the earlier order of dismissal dated December 4, 2024. Better, in the sense that this order contains an element of reasoning. The element of reasoning, however, is miniscule.
10. The reason for refusing the petitioner's claim for compassionate allowance in the impugned order, is that the petitioner does not fall within the term "special circumstance", as envisaged in Regulation 29, Therefore, the said application of the petitioner was rejected.
11. This rejection leaves a doubt. The doubt emanates from a jurisdictional issue since the same has been decided, as indicated in the impugned order by the Board of Directors, whose order binds the Board of Trustees, which has been spelt out in no uncertain terms in the impugned order.

12. This seems to be completely at variance with Regulation 7(1) of the Regulations, which stipulates that it is the Board of Trustees alone, who has the power to decide all issues regarding pension of the employees. Thus, if the Board of Trustees are empowered to take a decision on this matter, the question goes abegging as to why and how the Board of Directors could supersede the Board of Trustees and decide the issue. This also, in the teeth of the order passed by this Hon'ble Court on November 11, 2025.

13. There is clearly a jurisdictional deficiency in passing the impugned order on January 22, 2026. The next issue, which remains shrouded in mystery is the definition of special circumstance. This phrase "special circumstance" has not been defined in the Act or in the Notification or the Rules, which have amended the existing Act. Special circumstance seems to be almost in nature of whimsical implant on the Act itself.

14. Though Mr. Ghosal, learned Advocate appearing for the respondents has sought to give certain explanations in his affidavit filed on behalf of the respondents, the same is a mere addition to the order of January 22, 2026, which is fairly bald, lacking material particulars and sounds rather arbitrary.

15. Since the order impugned has been passed by an

authority, which is not statutorily empowered to decide all the issues, it would be trite that the authority empowered, being the Board of Trustees of the Bank is directed to consider the issue afresh and revisit the fact of the eligibility of the petitioner for grant of compassionate allowance.

16. In view of the afore-stated, the order dated January 22, 2026 is set aside, as it has not been passed by the appropriate authority, both statutorily and also in terms of the order dated November 11, 2025. The order is also set aside on the ground that the order does not take into consideration nor does it spell out any particular special circumstance, which has been considered or not considered by the Board of Directors while deliberating and deciding all these issues.

17. In view of the afore-stated setting aside of the order dated January 22, 2026, I direct the Board of Trustees of the Bank to revisit the issue afresh and pass a reasoned order insofar as the petitioner's application seeking compassionate allowance under Rule 29(1) of the Regulation is concerned.

18. The entire exercise shall be concluded within a period of eight weeks from date and the resultant order be communicated to the petitioner within a period of ten days thereafter.

19. With the afore-stated directions, the writ petition is

allowed in-part.

20. There shall, however, be no order as to costs.

21. Urgent Photostat certified copy of this order, if applied for, be given to the parties on priority basis.

(Reetobroto Kumar Mitra, J.)