



2023:CHC-AS:42337-DB

S/L 35 to 37
05.03.2026
Court No.04
B.K.N

W.P.S.T. 259 of 2014
Prangobinda Kundu & Ors.
Vs.
The State of West Bengal & Ors.

With

W.P.S.T. 256 of 2014
Biren Chandra Dey & Ors.
Vs.
The State of West Bengal & Ors.

With

**CAN 4 of 2024, CAN 5 of 2025, CAN 6 of 2025,
CAN 7 of 2025, CAN 8 of 2025, CAN 9 of 2025,
CAN 10 of 2025, CAN 11 of 2025, CAN 12 of 2025,
CAN 13 of 2025, CAN 14 of 2025, CAN 15 of 2025,
CAN 16 of 2025, CAN 17 of 2025, CAN 18 of 2025,
CAN 19 of 2025, CAN 20 of 2025, CAN 21 of 2025,
CAN 22 of 2025, CAN 23 of 2025, CAN 24 of 2025,
CAN 25 of 2025, CAN 26 of 2025, CAN 27 of 2025,
CAN 28 of 2025**

With

W.P.S.T. 258 of 2014
Niranjan Biswas & Ors.
Vs.
The State of West Bengal & Ors.

*Mr. Sardar Amjad Ali, Sr. Adv.,
Mr. Abdul Wajid*

...for the Petitioners.

*Mr. Tapan Kumar Mukherjee, Ld. AGP,
Mr. Somnath Naskar*

...for the State.

**In Re: CAN 5 of 2025, CAN 6 of 2025, CAN 7 of 2025,
CAN 8 of 2025, CAN 9 of 2025, CAN 10 of 2025,
CAN 11 of 2025, CAN 12 of 2025, CAN 13 of 2025,
CAN 14 of 2025, CAN 15 of 2025, CAN 16 of 2025,
CAN 17 of 2025, CAN 18 of 2025, CAN 19 of 2025,
CAN 20 of 2025, CAN 21 of 2025, CAN 22 of 2025,
CAN 23 of 2025, CAN 24 of 2025, CAN 25 of 2025,
CAN 26 of 2025, CAN 27 of 2025, CAN 28 of 2025**

In

W.P.S.T. 256 of 2014

1. The applications have been filed substantially for substitution of the applicants (spouse of the writ



petitioner). The applicants are receiving family pension and the issue regarding the quantum of the same is pending consideration in the present proceeding. The substitutions have been prayed for with applications for condonation. The period of delay varies between 395 days to 3277 days in respect of the various petitioners.

2. On going through the applications for substitution and the condonation applications, we find that a plea has been raised that the applicants before this Court were unaware of the pending proceedings. The husbands of the applicants passed away. Being recipient of a meager amount of pension and living in remote places, there was no way that they could have come to learn about the present proceeding, other than an information given by an association which was looking after the matter pending before this Court. Only when such information was sent to the applicants, they could take steps for substitution. Therefore, though period of delay varies, the applicants are similarly situated.
3. We find the substitution applications and the application/s for condonation to disclose a sufficient cause for allowing the condonation applications.
4. We further take note of the fact that the case involves an issue regarding quantum of pension which is arising out of a continuous cause of action, recurring every month, the applicants being recipient of family pension. The period of delay is also varying in between 395 and 3277 days and, therefore, being guided by decision of the



Hon'ble Supreme Court, in the case of ***Union of India and others versus Tarsem Singh*** reported in ***(2008) 8 SCC 648***, we find that the issue of delay and latches, or limitation does not come in the way of the applications. We are of the view that all the applicants may be allowed an opportunity to contest the writ proceeding on merit. We allow the applications for substitution.

5. Let the **office** carry out appropriate amendment in the cause title.
6. Applications being CAN 5 of 2025, CAN 6 of 2025, CAN 7 of 2025, CAN 8 of 2025, CAN 9 of 2025, CAN 10 of 2025, CAN 11 of 2025, CAN 12 of 2025, CAN 13 of 2025, CAN 14 of 2025, CAN 15 of 2025, CAN 16 of 2025, CAN 17 of 2025, CAN 18 of 2025, CAN 19 of 2025, CAN 20 of 2025, CAN 21 of 2025, CAN 22 of 2025, CAN 23 of 2025, CAN 24 of 2025, CAN 25 of 2025, CAN 26 of 2025, CAN 27 of 2025, CAN 28 of 2025 are disposed of.

In Re: W.P.S.T. 259 of 2014, W.P.S.T. 256 of 2014, W.P.S.T. 258 of 2014

1. Let these matters be listed on **2nd April, 2026** at **2.00 p.m.** for consideration on merits.

(Madhuresh Prasad, J.)

(Prasenjit Biswas, J.)