

W.P.S.T. 260 of 2014

With

CAN 2 of 2026

CAN 3 of 2026

CAN 4 of 2026

Sri Radhabenode Nandi

Vs.

The State of West Bengal & Ors.

Mr. Sardar Amjad Ali, Sr. Adv.,
Mr. Samir Kr. Ghosh,
Mr. Abdul Wajid

...for the Petitioner

Mr. Tapan Kumar Mukherjee, Id. A.G.P.,
Mr. Pinaki Dhole

...for the State

Re: CAN 2 of 2026 (Condonation of delay)
CAN 3 of 2026 (Restoration)

1. The present application, being CAN 3 of 2026, has been filed seeking restoration of the writ petition which came to be dismissed for default on 26.07.2023. The said application is accompanied by CAN 2 of 2026, an application praying for condonation of delay in preferring the restoration application.
2. It has been stated on behalf of the applicant that she is a recipient of family pension and that the issue relating to the quantum thereof is the subject matter of adjudication in the writ proceeding. It is further submitted that there has

been a delay of 2029 days in filing the present application for restoration.

3. On perusal of the averments made in the application, it appears that the applicant was not aware of the pendency of the writ proceeding. Following the demise of her husband, the original writ petitioner, the applicant, being a widow and dependent upon a meagre family pension, has been residing in a remote area with limited means and access to legal recourse. It is stated that, in such circumstances, the learned advocate representing the petitioner was unable to establish contact with the applicant within the prescribed time, resulting in the delay in preferring the present application.
4. The explanation offered in support of the delay appears to be reasonable and satisfactory. This Court is of the view that the applicant has been able to demonstrate sufficient cause for not approaching the Court within the stipulated period. It is well settled that in matters involving pensionary benefits, which constitute a continuing cause of action, a liberal approach is warranted so as to advance substantial justice rather than defeat it on technical grounds.

5. In view of the above, the delay in filing the restoration application is condoned, and consequently, the application for restoration is allowed.
6. The writ petition is accordingly restored to its original file and number, to be proceeded with in accordance with law.
7. The applications being CAN 2 of 2026 and CAN 3 of 2026 stand disposed of accordingly.

Re: CAN 4 of 2026 (Substitution)

8. 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 applicant being recipient of family pension. In view of the observation of the Hon'ble Apex Court in the case of ***Union of India and others Vs. Tarsem Singh*** reported in ***(2008) 8 SCC 648***, we find that the issue of delay and laches, or limitation does not come in the way of the application.
9. We are of the view that the applicant may be allowed an opportunity to contest the writ proceeding on merit. We allow the application for substitution.

10. Office is directed to make necessary amendment in the cause title.
11. CAN 4 of 2026 is disposed of.

Re: W.P.S.T. 260 of 2014

12. List the matter on **2nd April, 2026** under the appropriate heading.

(Madhuresh Prasad, J.)

(Prasenjit Biswas, J.)