

IN THE HIGH COURT AT CALCUTTA
[CIRCUIT BENCH AT PORT BLAIR]

WPA/28/2026

Stephen Raj

Vs.

The Chief Secretary and Others

Mr. Gopala Binnu Kumar

Ms. Vinita Devi

... for the petitioner

Mr. Rakesh Kumar

Mr. P. Srinivas Naidu

... for the respondent No.1 &2

Mr. Mohd. Tabraiz

... for the respondent No. 3&4

July 31, 2026

[Manoj]

Item No. 12

1. The writ petitioner is presently attached to this Circuit Bench of Calcutta High Court at Port Blair as Assistant Registrar (Court). He served with the Andaman and Nicobar Administration from 08.05.1990 to 28.09.2003. He thereafter obtained a no objection certificate from the Administration and applied for the post of Assistant Court Officer with the High Court and joined thereat and is continuously working since thereafter.

2. The service of the petitioner with the High Court comes under the State of West Bengal.

3. Since after issuance of no objection certificate, the High Court Administration has de-tagged the service of the petitioner from the A & N Administration. He is therefore an employee of the State of West Bengal.

4. The petitioner has not received any benefit of his service of 13 years rendered with the Administration till date. Upon a representation being made by the petitioner, the Andaman and

Nicobar Administration has taken the view that the benefit of Rule 13(2) of the Central Civil Services (Pension) Rules, 2021 are not admissible to the petitioner since he was appointed in the year 1990 i.e. before coming into force of the Central Civil Services (Pension) Rules, 2021 amending Rules of 1972.

5. Mr. Gopala Binnu Kumar, learned counsel for the petitioner places reliance on decisions of a Coordinate Bench in the case of Shri G. Nedunchezian vs. A & N Administration in order dated 31.07.2024 passed in WPA/328/2024.

6. In the said decision, the Coordinate Bench has held that the benefit of the 12 years of service rendered by the writ petitioner therein with the Andaman and Nicobar Administration would be admissible for the purpose of pension under the Central Civil Services (Pension) Rules, 2021. The same was held to be independent of any service benefit he would receive from the State of West Bengal for the service rendered to the Circuit Bench of Calcutta High Court at Port Blair.

7. Based on the said order of Nedunchezian (supra), the Andaman and Nicobar Administration vide order dated 03.09.2024 has allowed the pension to the said G. Nedunchezian under the Rule 37(3) of the Central Civil Services (Pension) Rules, 1972, for the period of service rendered with the Andaman and Nicobar Administration. The said order dated 31st July, 2024 is squarely applicable to the petitioner.

8. The views of the Administration in the impugned order dated 22.01.2025 appears to be *ex facie*, incorrect. By G.S.R. 868(E) notified on 20.12.2021 the Central Civil Services

(Pension) Rules, 2021 were promulgated. The said Rules have brought forth an amendment of the Central Civil Services (Pension) Rules, 1972. Clause-2 under Chapter I clearly stipulates that the Rules of 2021 shall apply to the Government servants appointed on or before 31.12.2003.

9. There is yet another noticeable fact. There has been no forfeiture of service of the petitioner issued by the Andaman and Nicobar Administration till date. A no objection certificate has been issued to the petitioner to apply for the post under the State and be de-tagged from the Andaman and Nicobar Administration. This Court is therefore of the view that the petitioner shall be entitled to all terminal benefits, including pension, gratuity, leave encashment and GPF etc. for the period of 13 years of service that he has rendered with the Andaman and Nicobar Administration.

10. This Court is of the view that the contention of the Administration as evident from the affidavit-in-opposition filed by them before this Court and as submitted by the learned counsel, Mr. Rakesh Kumar on their behalf that, 13 years of service rendered by the petitioner with the Andaman and Nicobar Administration must be carried forward and added the service rendered by the petitioner with State and reckoned for pension payable by the State of West Bengal, after the petitioner retires from the service of the High Court Administration. The 13 years of service with A & N Administration must be counted along with the service rendered with the State of West Bengal when he superannuates from his current service for the purpose of pension. This is *ex facie* erroneous.

11. The petitioner is similarly situated as the said G. Nedunchezian. He shall therefore be entitled to pension and all other terminal benefits from the A & N Administration for the period of 13 years of service rendered with such Administration independent of any service benefit, he will receive from the State of West Bengal.

12. In the light of the above, this Court directs the Secretary (Personnel) of the Andaman and Nicobar Administration to forthwith prepare the service records of the petitioner with the Andaman and Nicobar Administration for the period from 08.05.1990 to 28.09.2003 and forward the same for processing of and issuance of Pension Payment Order to the petitioner, mandatorily and positively within period of two months from the receipt of the communication of this order.

13. All service benefits including pension, gratuity, GPF and leave encashment etc. shall be made available to the petitioner for the aforesaid period by the A & N Administration.

14. Let arrears of pension from October, 2003 onwards, gratuity and leave encashment together with interest @ 6% per annum as per law, be paid to the petitioner by the Administration within a period of one month from the date of issuance of Pension Payment Order.

15. The impugned order dated 22.01.2025 is set aside.

16. With the aforesaid observations, WPA/28/2026 is allowed and disposed. There shall be no order as to costs.

17. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)