

Item No. 1
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In The High Court At Calcutta
Constitutional Writ Jurisdiction
(via video conference)

21.10.2020
Ct-19

AST/19/2020

Sanjit Kumar Purkait
v.
The State of West Bengal & Ors.

Mr. Shamirul Bari
Ms. Molly Saha
... for the petitioner.

Mr. Biswabrata Basu Mallick
Mr. Sanjib Das
... for the State.

The petitioner is a retired school teacher. He alleges that his retiral benefits have not been released in view of the criminal proceedings pending against him.

The petitioner prays for grant of provisional pension in accordance with Clause 19(5) of the Death-cum-retirement Benefit Rules.

The learned advocate for the State respondents submits that the application made by the petitioner for grant of provisional pension is a sketchy one. No details of his service career is mentioned therein.

The learned advocate representing the school authorities submits that a complaint has been lodged

against the petitioner for defalcation of more than forty lakh rupees.

In terms of the provision of the Death-cum-Retirement Benefit Rules the petitioner is granted leave to make a composite application, with all details, before the Pension Granting Authority, with request for grant of provisional pension.

In the event, such application is made, the pension granting authority being the District Inspector of Schools (SE), South 24-Parganas, the respondent no. 3 herein shall take steps to consider the same in accordance with law and pass necessary orders within a period of eight weeks from the date of receipt of the application. The said respondent shall communicate the reasoned order passed by him in the matter to the petitioner immediately thereafter.

It is made clear that this Court has not gone into the merits of the prayer of the petitioner for grant of provisional pension and the respondent no. 3 shall act strictly in accordance with law while dealing with the application of the petitioner.

In the event the respondent no. 3 is of the opinion that the petitioner is entitled to receive provisional pension then steps shall be taken by him to release the same in his favour at the earliest.

The writ petition being AST 19 of 2020 is disposed of.

Let a photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

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(Amrita Sinha, J.)