

Sl. 13
27.09.2021
Ct. No. 5
tbsr

WPA 7838 of 2021
(Through Video Conference)

Gopal Chandra Ghosh
-vs.-
The State of West Bengal & Ors.

Mr. Sarwar Jahan,
Mr. Sudipta Maiti,
Mr. Pritikana Gantait.
.....for the petitioner

Mr. Santimay Bhattacharyya,
Mr. Ziaul Haque.
.....for the respondent no. 7

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

The writ petitioner is an approved Headmaster of Khanpur Ganche High School (H.S.), District Paschim Medinipur, who retired on superannuation on 30th of November, 2017. The grievance of the writ petitioner is non-settlement of pension case of the writ petitioner in spite of his superannuation on 30th of November, 2017.

Mr. Sarwar Jahan, learned advocate appears on behalf of the writ petitioner and submits that a case under Section 156(3) of the Criminal Procedure Code was initiated at the instance of one Dilip Kumar Manna which was numbered as MP Case No. 21 of 2017. Pursuant to the direction given by the

appropriate court the investigation was started by the police authorities and police report was submitted in connection with the allegations made against the writ petitioner which is at page 28-30 of the writ petition. From the charge-sheet dated 30th of June, 2018 (police report) it appears that petitioner, namely, Gopal Chandra Ghosh was not found to have committed any offence and thereby it was stated by the investigating officer, namely, Sub-Inspector of Police, Chandrakona P.S. that the allegation against the writ petitioner could not be established by making investigation. It has further been submitted that by adopting resolution dated 28th July, 2020, the school authority where the writ petitioner was serving found that the allegation regarding defalcation of fund has not been substantiated upon placing reliance on the relevant part of the said charge-sheet dated 30th of June, 2018. In addition thereto, it has further been submitted on behalf of the writ petitioner that the complaint against the writ petitioner was lodged by one Dilip Manna, who was the President of the Managing Committee of the School and who was inducted vide memo dated 4th of May, 2015 issued of the Joint Secretary, School Education Department, Government of West Bengal and subsequently vide memo dated 29th October, 2015, the nomination of said Dilip Mnna was revoked

by the Assistant Secretary, School Education Department. By placing reliance upon said revocation memo dated 29th October, 2015, it has been submitted that after issuance of said memo dated 29th October, 2015, said Dilip manna has no connection with the school authority. Therefore, it has been submitted that though a Naraji Petition has been filed after submission of charge-sheet dated 30th of June, 2018 by said Dilip Manna that should not stand in the way in releasing retiral dues in favour of the writ petitioner in view of the findings made by the investigating officer as contained in the said charge-sheet dated 30th of June, 2018.

Mr. Biswabrata Basu Mallick, learned advocate appears on behalf of the State respondent and has placed before this Court one report of the District Inspector of Schools (SE), Paschim Medinipur wherefrom it appears that though the concerned District Inspector of Schools has found that the writ petitioner being eligible to receive the retiral dues but the status of the MP Case No. 21 of 2007, was not known to the said District Inspector of Schools, as a result whereof the necessary steps could not be taken by the District Inspector of Schools for processing the pension case of the writ petitioner.

Mr. Santimay Bhattacharyya, learned advocate appears on behalf of Khanpur Ganche High School (H.S.), P.S. Paschim Medinipur and submits that school authority has no objection if the retiral dues are released in favour of the writ petitioner.

Having considered the submissions made by the respective parties to this writ petition and also taking note of the findings of the investigating officer contained in the charge-sheet dated 30th of June, 2018, whereby it was specifically found that the allegations against the writ petitioner was not found to be substantiated, this Court finds that there ought not to be any impediment in the matter of releasing retiral dues in favour of the writ petitioner in spite of the pendency of Naraji Petition at the instance of the said Dilip Manna who is no more President of Managing Committee of the School in question and the present Managing Committee of the said school has already adopted a resolution on 28th July, 2020 upon placing reliance on the charge-sheet of the investigating agency dated 30th June, 2018 that the pension case of the writ petitioner can be settled since the allegation levelled against the writ petitioner have not been found to be genuine.

In above conspectus, this Court directs the District Inspector of Schools (SE), Paschim Medinipur

to finalise the pension case of the writ petitioner and forwarded the same to the Director of Pension, Provident Fund and Group Insurance, being the respondent no. 3, for issuance of pension payment order and the respondent no. 3, on receipt of the necessary papers from the District Inspector of Schools (SE), Paschim Medinipur shall take steps forthwith for issuance of pension payment order for releasing retiral dues in favour of the writ petitioner.

The exercise, as aforesaid, shall be completed within a reasonable time but not later than twelve weeks from the date of communication of this order.

The report of the District Inspector of Schools (SE), Paschim Medinipur signed on 22nd September, 2021 is kept with the record.

With the above direction, the writ petition stands disposed of.

There shall be no order as to costs.

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

Urgent photostat certified copy of this order, if applied for, is to be given to the parties upon compliance with the necessary formalities.

(Saugata Bhattacharyya, J.)