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19.08.
2021
Ct. No.17

WPA 10570 of 2020

**Sri Manash Kumar Sarkar
Vs
The State of West Bengal & Ors.**

**Mr. Kamalesh Bhattacharya
Mr. Aninda Bhattacharya
.....For the Petitioner
Ms. Chaitali Bhattacharya
Mr. Pinaki Dhole
.....For the State**

The petitioner claims his final pension as he has retired from service but one criminal case is pending against him.

Mr. Dhole, learned advocate for the State respondent is relying on Rule 19(5) of the West Bengal Recognized Non-Government Educational Institution Employees (Death-cum-Retirement Benefit) Scheme, 1981. Rule 19(5) says that final pension, gratuity etc. cannot be paid under the Rules so long the proceedings is pending. He has also placed the said Rule being Rule 19(5).

After perusing the said Rule, I find that this court cannot pass an order in favour of the petitioner as one criminal case is pending against him.

Hence, the writ application is dismissed.

(Abhijit Gangopadhyay, J.)

