

1 11.02.2022

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION**

**M.A.T. 129 of 2022
With
CAN 1 of 2022**

**Arun Bhattacharya
Vs.
State of West Bengal & Ors.**

**Mr. Kamalesh Bhattacharjee
Mr. Krishnapada Santra ... For the Appellant.**

**Mr. Supriya Chattopadhyay
Mr. Biswaroop Biswas For the State.**

Mr. Sudipta Dasgupta ... For the Respondent/School.

In Re: CAN 1 of 2022

We admit the appeal.

As the issue involved is very short, we propose to dispose of it, dispensing with all formalities.

We have examined the impugned judgement and order dated 1st February, 2022.

We do not propose to interfere with it except with regard to two parts or consequences of the said order.

The first relates to the provident fund accumulation of the appellant/petitioner. The deposit is statutory and this deposit cannot be suspended or attached, save and except, in exceptional circumstances. No such exceptional circumstance is shown.

S.D.

In those circumstances, we direct the previous school 'Shibarampur Nanilal Vidyapith(HS)' to

immediately deposit the provident fund entitlement of the appellant/petitioner with the appropriate authority within three weeks from date and to transmit all records with regard to such deposit to the new school so that the appellant/petitioner can be provided with a copy of it.

Secondly, there is no case established so far against the appellant/petitioner whereby his salary can be stopped. The new school 'Pujali Sikshaniketan' shall continue to pay the salary of the appellant/petitioner.

This part of the order dated 1st February, 2022 directing stoppage of the appellant/petitioner's service is set aside. The rest of the impugned judgement and order is affirmed. While affirming the said order, we observe that the impugned order is interim in nature and our affirmation of the interim order is to be taken accordingly.

The writ application may be adjudicated upon by the learned single judge.

The appeal (MAT 129 of 2022) and the application (CAN 1 of 2022) are disposed of.

(I.P. Mukerji, J.)

(Aniruddha Roy, J.)

