

24.08.2022
Court No.13
Item No.34
AP

WPA 3176 of 2022

**Shri Manash Kumar Sarkar
Vs.
The State of West Bengal and Ors.**

Mr. Kamalesh Bhattacharya
Mr. Aninda Bhattacharya

... For the Petitioner.

Mr. Bhaskar Prasad Vaisya
Mr. R. Saha

... For the State.

Mr. Golam Mostafa

... For the respondent Nos.4 and 4(a).

The petitioner is aggrieved that he is not even receiving provisional pension on account of his service as a Head Master of Tarikullah Sarkar Higher Secondary School, Katna, Gazole, Malda.

There are criminal proceedings pending against the petitioner on the allegation of defalcation of the funds of the school. Charge sheet has been filed and the trial has commenced.

The petitioner is not entitled to complete pension and whether the same at all payable to him or not, shall abide by the final result of the criminal proceedings.

However, the petitioner is entitled to provisional pension as he was getting. The State cannot stop the provisional pension.

In these circumstances, the petitioner's provisional pension shall be recommenced month to

month, immediately and continued till the disposal of the criminal proceedings against him. The arrears of the provisional pension, if any, shall be payable to the petitioner within a period of one month from date.

With the aforesaid directions, the writ petition is disposed of.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)